ORDINANCE NO. FPD 26-02

An ordinance of the Board of Directors of the San Bernardino County Fire Protection District, State of California, to repeal San Bernardino County Fire Protection District Ordinance No. FPD 23-01 and to adopt: the San Bernardino County Fire Protection District Fire Code, which adopts by reference the 2025 Edition of the California Fire Code, along with certain changes, modifications, amendments, additions, deletions, and exceptions, relating to fire regulations, and the 2025 Edition of the California Wildland-Urban Interface Code.

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

SECTION 1. Ordinance No. FPD 23-01 is repealed.

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

SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

FIRE CODE

I. FINDINGS, ADOPTION, AND APPLICABILITY. 3

II. AMENDMENTS TO THE 2025 CALIFORNIA FIRE CODE 7

A. Chapter 1, Administration, of the California Fire Code 7

B. Chapter 2, Section 202, Definitions, of the California Fire Code 12

C. Chapter 3, General Requirements, of the California Fire Code 15

D. Chapter 5, Fire Service Features, of the California Fire Code 22

E. Chapter 9, Fire Protection and Life Safety Systems, of the California Fire Code 38

F. Chapter 11, Construction Requirements for Existing Buildings, of the California Fire Code 39

G. Chapter 25, Fruit and Crop Ripening Adoption, of the California Fire Code. .40

H. Chapter 28, Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Facilities, of the California Fire Code 40
I. Chapter 56, Explosives and Fireworks, of the California Fire Code 43
J. Table B105.2 of Appendix B, Fire-Flow Requirements for Buildings, of the California Fire Code 43
K. Appendix C, Fire Hydrant Locations and Distribution, of the California Fire Code 44
L. Appendix P, Temporary Haunted Houses, Ghost Walks, and Similar Amusement Uses, of the California Fire Code 44
III. ADDITION OF CHAPTER 13, VIOLATIONS AND ENFORCEMENT, TO THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT FIRE CODE. 45
Section 13.1 Explosives, Fireworks, Pyrotechnics, Rockets and Rocket Motors 45
Section 13.2 Acts Including Causing, Aiding and Abetting. 47
Section 13.3 Enforcement – Purpose and Remedies. 47
Section 13.4 Enforcement Remedies and Penalties are Cumulative and Discretionary; Not Exclusive. 47
Section 13.5 Criminal Actions. 48
Section 13.6 Authority to Investigate, Detain, Issue Criminal Citations and Arrest. 50
Section 13.7 Civil Actions. 51
Section 13.8 Administrative Citations and Penalties - General. 52
Section 13.9 Administrative Citations and Penalties – Dangerous Fireworks, and Unlawful Use of Safe & Sane Fireworks. 59
Section 13.10 Administrative Penalties – Egregious Violations. 61
Section 13.11 Administrative Remedies and Penalties For Nuisance Fire Alarms. 62
Section 13.12 Appeal of Administrative Citations. 64
Section 13.13 Recording of a Notice of Pendency. 69
Section 13.14 Filing Notice of Action. 70
Section 13.15 Public Nuisance Abatement for Fire Hazards. 70
Section 13.16 Board of Appeals – Code Application and Interpretations. 70
Section 13.17 Cost Recovery. 72

Section 13.18 Treble Damages.....72
Section 13.19 Order of Precedence.....73

I. Findings, Adoption, and Applicability.

A. The Board of Directors of the San Bernardino County Fire Protection District hereby finds as follows:

1. The California Fire Code, 2025 Edition, adopts and amends portions of the 2024 International Fire Code, which International Code is nationally recognized compilations of proposed rules, regulations, and standards of the International Code Council, Inc.

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

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

4. That the additional requirements and standards established herein are needed to properly protect the health, safety, and welfare of the existing and future residents, workers and visitors of the San Bernardino County Fire Protection District. Said additional requirements and standards are reasonably necessary because of local climatic, geological, and topographical conditions described herein. The finding in this subsection (4) is based upon the express findings and determinations on the proposed amendments to the Code identified herein.

5. Local Climatic Conditions.

(A) The District is subject to extremely strong winds, commonly

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

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

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

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

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

6. Local Geological Conditions.

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

(B) Unstable slopes in several areas throughout the District have

experienced soil movement as a result of heavy or soaking rains, resulting in damage to roadways, structures and utilities.

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

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

7. Local Topographical Conditions.

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

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

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

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

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

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

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

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

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

B. The Board of Directors of the San Bernardino County Fire Protection District hereby adopts the 2025 Edition of the California Fire Code (sometimes referred to herein as "California Fire Code"), also known as Part 9 of Title 24 of the California Code of Regulations (which California Fire Code adopts and amends portions of the 2024 International Fire Code), and Appendices as compiled and published by the International Code Council, except as amended by this ordinance; and the 2025 Edition of the California Wildland-Urban Interface Code, with errata, (sometimes referred to herein as the WUI Code). The 2025 Editions of the California Fire Code and the WUI Code are on file with the Secretary of the Board.

C. The provisions of the California Fire Code, subsequent amendments, California Fire Code Appendices, WUI Code, referenced standards, and this ordinance shall be collectively known as the San Bernardino County Fire Protection District Fire Code, or this Code. The San Bernardino County Fire Protection District Fire Code shall be applicable in all areas of San Bernardino County within the San Bernardino County Fire Protection District, or in any political subdivision, county, city, town, or district that contracts with the San Bernardino County Fire Protection District for fire protection and prevention services, and in those other counties, cities, towns, and districts that ratify this ordinance pursuant to California Health and Safety Code section 13869.7.

II. Amendments to the 2025 California Fire Code

The 2025 California Fire Code, also known as Part 9 of Title 24 of the California Code of Regulations, is hereby amended as follows:

A. Chapter 1 of the California Fire Code is hereby amended as follows:

1. Section 102.7 Referenced codes and standards of the California Fire Code is amended to read:

Section 102.7 Referenced Codes and Standards

The codes and standards referenced in this Code shall be those that are listed in Chapter 80 of the California Fire Code. Such standards shall be considered part of the

requirements of this Code to the prescribed extent of such reference. Where conflicts occur between provisions of this Code and referenced standards in Chapter 80 of the California Fire Code, the provisions of this Code shall apply. The fire code official may issue San Bernardino County Fire Protection District Fire Prevention Standards for informational purposes in clarifying and interpreting provisions of the California Fire Code, its amendments, and referenced standards.

2. Section 104.1 General of the California Fire Code is amended to read:

Section 104.1 General

The fire code official is hereby authorized to enforce the provisions of this Code.

3. Section 104.2 Determination of compliance of the California Fire Code is amended to read:

Section 104.2 Determination of Compliance

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

4. Section 105.5.4A Battery and other energy storage system of the California Fire Code is added to read:

Section 105.5.4A Battery and other energy storage system

An operational permit is required for a battery system or electrical energy storage system as regulated by section 1207 of the California Fire Code.

Exception: This section does not apply to systems in R-3 occupancies. Occupancy classifications are further defined in Section 203 of the California Fire Code.

5. Section 105.5.17A Fixed hood and duct extinguishing systems of the California Fire Code is added to read:

Section 105.5.17A Fixed hood and duct extinguishing systems

An operational permit is required to utilize commercial cooking appliances, as defined in Section 606, with a Type I hood and an automatic fire extinguishing system as required by Section 904.13.

6. Section 105.5.36 Open burning of the California Fire Code is amended to read:

Section 105.5.36 Open Burning

An operational permit is required for the kindling or maintaining of an open fire as defined in Section 202, on any public street, alley, road, or other public or private ground.

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

7. Section 105.5.38. Open flames and candles of the California Fire Code is amended, to read:

Section 105.5.38. Open flames and candles

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

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

8. Section 105.5.40 Outdoor assembly event of the California Fire Code is amended, to read:

Section 105.5.40 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.

9. Section 105.5.40A Pallet yards of the California Fire Code is added, to read:

Section 105.5.40A Pallet Yards

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

10. Section 105.5.53 Waste handling and wrecking yards of the California Fire Code is added to read:

Section 105.5.53 Waste handling and wrecking yards

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

11. Section 105.5.54 Wood, manure and organic product storage of the California Fire Code is added, to read:

Section 105.5.54 Wood, manure and organic product storage

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

12. Section 105.6.4A Dust collection systems of the California Fire Code is added, to read:

Section 105.6.4A Dust Collection Systems

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

13. Section 105.6.4B Electrified security fence of the California Fire Code is added, to read:

Section 105.6.4B Electrified Security Fence

A construction permit is required for installation of or modification to an electrified security fence. Maintenance performed in accordance with this Code is not considered to be a modification and does not require a permit.

14. Section 105.6.19A Refrigeration unit or system of the California Fire Code is added, to read:

Section 105.6.19A Refrigeration Unit or System

A construction permit is required to install or modify a mechanical refrigeration unit or system regulated by Section 608.

15. Section 108.1 Fees of the California Fire Code is added, to read:

Section 108.1 Fees

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

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

16. Section 110 of the California Fire Code is amended, to read:

Section 110. Reserved.

17. Section 113.3.5 Violations – general of the California Fire Code is added, to read:

Section 113.3.5 Violations – General

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

18. Section 113.3.6 Continuing violations of the California Fire Code is added, to read:

Section 113.3.6 Continuing Violations

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

19. Section 116 Closure of public and private lands of the California Fire Code is added, to read:

Section 116 Closure of Public and Private Lands

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

B. The following definitions in Chapter 2, Section 202 of the California Fire Code are added or amended, to read:

Chapter 2 Definitions.

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

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

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

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

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

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

DISTRICT. The San Bernardino County Fire Protection District.

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

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

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

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

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

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

PORTABLE OUTDOOR FIREPLACE. A portable, outdoor, solid-, liquid-, or gas

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

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

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

SPARK ARRESTOR. A State Fire Marshal listed device constructed of non-combustible material specifically for the purpose of meeting one of the following conditions:

(1) Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code section 38366.

(2) Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

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

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

C. Chapter 3 General requirements of the California Fire Code is adopted in its entirety with the exception of Sections 311.5-3.11.5.5 and with the following amendments and additions to read:

1. Section 305.3 Open-flame warning devices is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 305.3 Open-flame Warning Devices.

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

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

2. Section 305.6 Spark arrestors is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 305.6 Spark Arrestors.

Each chimney used in conjunction with a fireplace, portable outdoor fireplace, or other heating appliance in which solid fuel is burned, shall be maintained with a State Fire Marshal approved spark arrester. The spark arrester shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire, or 24-gauge stainless

steel. Openings shall not permit the passage of spheres having a diameter larger than one-half inch (13 mm) maximum and shall not block the passage of spheres having a diameter of less than three-eighths inch (10 mm). A screen shall be mounted in or over all outside flue openings in a vertical or near vertical position, adequately supported to prevent movement and shall be visible from the ground. All spark arrestors shall be accessible and removable for cleaning.

3. Section 307 Open burning, recreational fires and portable outdoor fireplaces is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces.

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

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

(c) Prohibited Open Fires and Outdoor Fires. Except for activities conducted by law enforcement or fire department personnel related to open fires for the purpose of training, control or prevention of fire hazards, or disposal of explosives or contraband, it shall be unlawful to kindle, or maintain, or to allow to be kindled or maintained the following open fires:

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

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

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

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

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

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

Exceptions:

(A) Agricultural burning or burning of Russian Thistle (tumbleweeds) in accordance with Rule 444 of the Air Quality Management District (AQMD) and when permitted by the fire code official

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

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

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

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

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

(9) Within the boundaries of the San Bernardino National Forest, including private property, in violation of any requirement or burn restriction imposed by

the U.S. Forest Service.

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

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

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

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

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

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

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

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

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

(I) Not less than 50 feet from any structure or combustible materials.

(II) At the property for which the permit is issued.

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

(I) Piles shall not exceed 4 feet in width or 4 feet in height.

(II) Piles shall be separated by a minimum of 10 feet.

(III) Piles shall not be placed in a pit or depression.

(2) Bonfires.

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

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

(3) Recreational fires.

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

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

(4) Portable outdoor fireplaces.

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

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

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

(5) Barbecues and Barbecue Pits.

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

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

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

(f) Attendance. All open fires shall be constantly attended by a responsible adult, 18 years of age or older, until the fire is completely extinguished. A minimum of one portable fire extinguisher complying with Section 906 of the California Fire Code 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 embers shall have a minimum required separation distance of 2 feet (610 mm) to buildings or other combustible materials.

4. Section 311.1 General is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 311.1 General.

Temporarily unoccupied buildings, structures, premises, or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with this section, the California Building Code and the applicable municipal code.

5. Section 311.2.2 Fire protection is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 311.2.2 Fire Protection.

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

Exceptions:

(1) Where the premises have been cleared of all combustible materials

and debris and, in the opinion of the fire code official, the type of construction, fire separation distance and security of the premises do not create a fire hazard.

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

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

6. Section 315.7 Outdoor pallet storage of the California Fire Code is amended to read:

Section 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.

7. Section 315.7.2 Distance to the lot line of the California Fire Code is amended to read:

Section 315.7.2 Distance to the Lot Line.

Pallet storage shall not be located within 26 feet (7,925 mm) of a lot line.

8. Section 315.7.7 Prohibited locations of the California Fire Code is amended to read:

Section 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.

9. Section 315.8 Outside storage of firewood is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 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.

10. Section 315.9 Storage of motor vehicles and trailers is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 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.

11. Section 316.7 Electrified fences is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 316.7 Electrified Fences.

Electrified fences or other barriers intended to secure a premise shall have provided a means of disconnecting all electrical power and de-energizing any and all barriers with a single main switch. The main electrical disconnect switch shall be clearly labeled and be accessible for firefighter use by means of a key switch, locked cabinet, or other means approved by the fire code official. Such electrified fences or barriers shall be clearly labeled with warning signs that read "DANGER – ELECTRIC FENCING" at a minimum of every 100 feet (30,480 mm) apart around the perimeter.

D. The following provisions of Chapter 5 Fire service features of the California Fire Code are added or amended, as follows:

1. Section 503.1 Where required is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.1 Where Required.

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

2. Section 503.1.1 Building and facilities is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.1.1 Buildings and Facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction of the San Bernardino County Fire Protection District. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

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

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

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

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

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

3. Section 503.1.2 Additional access is added to the San Bernardino County Fire Protection District Fire Code to read:

Section 503.1.2 Additional Access.

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

4. Section 503.1.3 High piled storage is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.1.3 High Piled Storage.

Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32 of the California Fire Code.

5. Section 503.2 Specifications is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2 Specifications.

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

6. Section 503.2.1 Dimensions is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7,925 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet, 6 inches (4,420 mm.) Roadways that provide fire apparatus access to buildings that have exterior walls 30 feet or higher from the lowest level of fire department access to the top of the highest roof or parapet, or having occupied floors that are three or more stories above such adjacent roadways shall have an unobstructed width of 30 feet (9,144 mm.)

Exceptions:

(1) Emergency vehicle access roads designed and provided exclusively

for fire department use may have an unobstructed width of not less than 20 feet (6,096 mm) when approved by the fire code official.

(2) Driveways and private roadways providing fire department access to not more than two Group R-3 and accessory Group U occupancies shall be a minimum of 12 feet (3,657 mm) in width.

(3) Required access road dimensions may be modified according to the San Bernardino County Fire Protection District Fire Prevention Standards when, due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire code official determines that the conditions cannot be met. In no case shall fire department access roads within State Responsibility Areas be less than 20 feet (6,096 mm) in unobstructed width.

7. Section 503.2.2 Authority is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.2 Authority.

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

8. Section 503.2.3 Surface is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.3 Surface.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus weighing at least 80,000 pounds and shall be surfaced so as to provide all-weather driving capabilities.

Exceptions:

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

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

9. Section 503.2.4 Turning radius is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.4 Turning Radius.

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

10. Section 503.2.5 Dead ends is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.5 Dead Ends.

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

11. Section 503.2.6 Bridges and elevated surfaces is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.6 Bridges and Elevated Surfaces.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the most current edition of the American Association of State Highway and Transportation Officials Standard Specifications for Highway Bridges (AASHTO HB-17, or most current edition). Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

12. Section 503.2.7 Grade is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.7 Grade.

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

Exceptions:

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

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

(3) Where more restrictive local county, city, or town requirements apply.

13. Section 503.2.8 Angles of approach and departure is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.2.8 Angles of Approach and Departure.

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

14. Section 503.3 Marking is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.3 Marking.

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

times and be replaced or repaired when necessary to provide adequate visibility.

15. Section 503.4 Obstruction of fire apparatus access roads is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.4 Obstruction of Fire Apparatus Access Roads.

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

16. Section 503.4.1 Traffic calming devices is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.4.1 Traffic Calming Devices.

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

17. Section 503.5 Required gates or barricades is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.5 Required Gates or Barricades.

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

18. Section 503.5.1 Secured gates and barricades is added to the San

Bernardino County Fire Protection District Fire Code, to read:

Section 503.5.1 Secured Gates and Barricades.

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

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

19. Section 503.6 Security gates is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.6 Security Gates.

The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with Underwriters Laboratories (UL) 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of American Society for Testing and Materials (ASTM) F 2200 and the San Bernardino County Fire Protection District Fire Prevention Standards. Knox key switches or similar locks shall be required for all vehicular gated access. Electric gates shall be required to automatically open from the inside by use of a sensor or other approved means.

Electric gates for emergency vehicle access shall include an "Infrared Automatic Gate System" a.k.a. OPTICOM that opens the gates automatically. These devices shall be installed on all electric fire access gates, existing and new.

20. Section 503.7 Shared emergency and fire apparatus access roads is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 503.7 Shared Emergency and Fire Apparatus Access Roads.

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

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

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

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

21. Section 504.5 Foam cornices is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 504.5 Foam Cornices.

Buildings with cornices or other trim at the edge of a roof or parapet wall made of expanded foam plastic or other similar materials shall be installed in order to allow a stable, rigid surface or edge on which a ladder can be used to access the roof.

22. Section 505.1 Address identification is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.1 Address Identification.

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

23. Section 505.1.1 One and two family dwelling units is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.1.1 One and Two Family Dwelling Units.

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

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

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

24. Section 505.1.2 Buildings less than 100,000 square feet, other than one- and two-family dwelling units is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.1.2 Buildings Less than 100,000 Square Feet, Other than One- and Two-family Dwelling Units.

All buildings less than 100,000 square feet (9,290 m^2) in area, other than one- and

two-family dwelling units, shall, in addition to the requirements of Section 505.1, be provided with address identification in accordance with all of the following:

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

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

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

25. Section 505.1.3 Buildings 100,000 square feet or larger, other than one- and two-family dwelling units is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.1.3 Buildings 100,000 Square Feet or Larger, Other than One- and Two-family Dwelling Units.

All buildings 100,000 square feet (9,290 m^2) or larger in area, other than one- and two-family dwelling units, shall, in addition to the requirements of Section 505.1, be provided with address identification in accordance with all of the following:

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

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

(3) Where building setbacks exceed 200 feet (61 m) from the street, or where address identification would not be visible or would otherwise be obstructed, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means used to identify structures. Address identification characters

shall not be less than six inches (153 mm) in height, with a minimum stroke width of 0.75 inches (19 mm).

26. Section 505.1.4 Illuminated directory is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.1.4 Illuminated Directory.

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

27. Section 505.1.5 Individual units is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.1.5 Individual Units.

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

28. Section 505.1.6 Rear addressing is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.1.6 Rear Addressing.

Buildings which have vehicular access to the rear side by means of a drive aisle alley, or parking lot shall also display address identification on the rear of the building and shall comply with the San Bernardino County Fire Protection District Fire Prevention Standards.

29. Section 505.2 Street or road name signs is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 505.2 Street or Road Name Signs.

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

30. Section 506.1 Where required is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 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.

31. Section 506.1.1 Locks is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 506.1.1 Locks.

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

32. Section 506.2 Key box maintenance is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 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.

33. Section 507.1 Required water supply of the California Fire Code is

amended to read:

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

(B) Group R-3 Occupancies shall be equipped with an approved residential fire sprinkler system in accordance with NFPA 13D/California Residential Code (CRC) 313.

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

34. Section 507.2.3 Temporary water supply is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 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.

35. Section 507.3 Fire flow is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 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 as amended.

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

(B) Group R-3 Occupancies shall be equipped with an approved residential fire sprinkler system in accordance with NFPA 13D/CRC 313.

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

36. Section 507.5 Fire hydrant systems is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 507.5. Fire Hydrant Systems.

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

37. Section 507.5.1 Where required is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 507.5.1 Where Required.

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

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

38. Section 507.5.1.2 Water supply connections is added to the San

Bernardino County Fire Protection District Fire Code, to read:

Section 507.5.1.2 Water Supply Connections.

New on-site fire hydrant water systems that serve buildings having a single or aggregate floor area of greater than 100,000 square feet (9,290 m^2) shall have a minimum of two separate remote connections to the public water system designed and constructed in accordance with the NFPA and the San Bernardino County Fire Protection District Fire Prevention Standards and approved by the fire code official.

39. Section 508.1 General of the California Fire Code is amended to read:

Section 508.1 General.

Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code and Group I-1 occupancies having occupied floors located more than 75 feet (23 m) above the lowest level of fire department vehicle access and in all F-1, S-1 and S-2 occupancies with a building footprint greater than 500,000 square feet (27,870 m^2), or any size structure that is equipped with smoke and heat vents per Section 910.2.1 of the California Fire Code, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.7.

40. Section 509.3 Access to equipment in multi-unit buildings is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 509.3 Access to equipment in multi-unit buildings.

When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main risers, fire alarm control panels, and any other main control valves or equipment for such systems shall be located in an attached or included room separate from any tenant space. Such rooms shall have at least one exterior access door of not less than 3'-0" (918 mm) in width by 6'-8" (2,040 mm) in height and meet the requirements of Section 901.4.7.

E. The following sections of Chapter 9 Fire protection and life safety systems of the California Fire Code are added or amended, as follows:

1. Section 901.8.3 Theft deterrents is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 901.8.3 Theft Deterrents.

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

2. Section 903.2 Where required is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 903.2 Where Required.

Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in this section and Sections 903.2.1 through 903.2.21. Notwithstanding any other provision of Sections 903.2.1 through 903.2.21, an approved automatic fire sprinkler system shall be provided throughout all newly constructed buildings of any occupancy group, when the gross floor area is equal to or exceeds 5,000 square feet (465 m^2), regardless of fire resistive separation walls.

Exceptions:

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

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

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

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

3. Section 910.2 Where required is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 910.2 Where Required.

Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1 and 910.2.2.

Exception:

Frozen food warehouses used solely for storage of class I and II commodities where protected by an approved automatic sprinkler system.

4. Section 910.2.1 Group F-1, S-1 and S-2 is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 910.2.1 Group F-1, S-1 and S-2.

A mechanical smoke removal system installed in accordance with Section 910.4 shall be installed in buildings and portions thereof used as group F-1, S-1 and S-2 occupancy having more than 50,000 square feet (4,645 m^2) of undivided area. In occupied portions of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with Section 910.4 shall be installed.

Exception: Group F-1 aircraft manufacturing buildings and group S-1 aircraft repair hangars.

F. The following section of Chapter 11 Construction requirements for existing buildings is added to the San Bernardino County Fire Protection District Fire Code, as follows:

1. Section 1103.2 Emergency responder communication enhancement in existing buildings is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 1103.2 Emergency responder communication enhancement in existing buildings.

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

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

G. Chapter 25 Fruit and crop ripening of the California Fire Code is adopted in its entirety.

H. The following sections of Chapter 28 Lumber yards and agro-industrial solid biomass and woodworking facilities of the California Fire Code are added or amended as follows:

1. Section 2808.3 Size of piles is amended to read:

Section 2808.3 Size of Piles.

Piles shall not exceed 12 feet (3,657 mm) in height, 150 feet (45,270 mm) in width and 250 feet (76,200 mm) in length. Stackable products shall not be stacked in excess of 12 feet (3,657 mm) in height, 80 feet (24,384 mm) in width and 250 feet (76,200 mm) in length.

2. Section 2808.4 Pile separation is amended to read:

Section 2808.4 Pile Separation.

Piles or stacked product shall be separated from buildings, property lines and adjacent piles or stacks by a distance of not less than 26 feet in width.

3. Section 2808.7.1 Pile fire protection, public water supply is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 2808.7.1 Pile Fire Protection, Public Water Supply.

The operator shall provide and maintain approved fire hydrants and waterline mains as required by the fire code official. Water lines may be approved aboveground lines supplied from a reliable water supply with adequate protection against impact and fire flow reaction. Hydrant spacing shall be at 300-foot intervals along primary fire access roadways. Fire flow at each hydrant shall be least 1,000 gallons per minute at 20 psi. Duration of the required fire flow shall be not less than two hours.

4. Section 2808.7.2 Pile fire protection, private water supply is added to the San Bernardino County Fire Protection District Fire Code, to read:

Section 2808.7.2 Pile Fire Protection, Private Water Supply.

Above-ground water storage tanks may be installed when authorized by the fire code official where public water supply is not adequate to meet fire flow requirements. Volume and duration of the required fire flow shall be as determined by the current edition of NFPA 1142.

5. Section 2810.1 General is amended to read:

Section 2810.1 General.

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

6. Section 2810.6 Clearance to property line is amended to read:

Section 2810.6 Clearance to Property Line.

Stacks of pallets shall not be stored less than 26 feet (6,096 mm) of the property line or shall comply with Section 2810.11.

7. Section 2810.7 Clearance to buildings and storage is amended to read:

Section 2810.7. Clearance to Buildings and Storage.

Stacks of pallets shall not be stored less than 20 feet (6,096 mm) from any building

or combustible structure on site, or shall comply with Section 2810.11. Pallets shall not be stored under eaves, canopies or other projections or overhangs of buildings except where protected by an automatic sprinkler system.

8. Section 2810.8 Size and height is amended to read:

Section 2810.8 Size and Height.

Pallet stacks shall be arranged to form stable piles. Individual pallet piles shall cover an area not greater than 400 square feet (37 m^2). Pallet stacks and piles shall not exceed 20 feet (4,876 mm) in height.

9. Section 2810.9 Fire hydrant spacing and flow is amended to read:

Section 2810.9 Fire Hydrant Spacing and Flow.

Fire hydrants shall be located at each entrance to the facility 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 performed by a California licensed fire protection engineer and approved by the fire code official. All water supply sources for fire-fighting shall be reliable and for a sufficient duration.

10. Section 2810.10 Portable fire extinguishers is amended to read:

Section 2810.10 Portable Fire Extinguishers.

A 4A40BC portable fire extinguisher(s) shall be provided within 75 feet (22,860 mm) of any pallet stack or manufacturing area(s).

11. Section 2810.11 Alternative approach is amended to read:

Section 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 Standard 72.

(3) Fire apparatus access roads around all storage areas.

I. The following section of Chapter 56 Explosives and fireworks of the California Fire Code is amended to read:

1. Section 5601.7 Seizure of the California Fire Code is amended to read:

Section 5601.7 Seizure.

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

J. Table B105.2 of Appendix B Fire-flow requirements for buildings of the California Fire Code is amended as follows:

1. Table B105.2 Required fire-flow for buildings other than one- and two-family dwellings, group R-3 and R-4 buildings and townhouses 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.

K. The following sections of Appendix C Fire hydrant locations and distribution of the of the California Fire Code are added and amended as follows:

1. Section C102.1 Minimum number of fire hydrants for a building is amended to read:

Section 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 Sections C103.2 and C103.3.

2. Section C103.2 Average spacing is amended to read:

Section C103.2 Average Spacing.

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

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

3. Section C103.3 Maximum spacing is amended to read:

Section C103.3 Maximum Spacing.

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

L. Appendix P Temporary haunted houses, ghost walks, and similar

amusement uses of the California Fire Code is added in its entirety.

III. Addition of Chapter 13, Violations and Enforcement, to the San Bernardino County Fire Protection District Fire Code.

The following Chapter of the San Bernardino County Fire Protection District Fire Code is added to read:

Section 13.1 Explosives, Fireworks, Pyrotechnics, Rockets and Rocket Motors.

(a) It shall be unlawful for any person to manufacture, store, possess, handle, sell, use, launch or create a public display of any explosive, firework, pyrotechnic, rocket or rocket motors except in accordance with this Code.

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

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

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

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

(e) The use of model and high-power rocket or rocket motors is prohibited

within Wildfire Risk Areas as defined in San Bernardino County Fire Protection District Fire Code Section 202 (as amended) except as permitted by the San Bernardino County Fire Protection District.

(f) Permits shall be required as set forth in San Bernardino County Fire Protection District Fire Code Section 105 and regulated in accordance with this section. Permits shall be obtained from the San Bernardino County Fire Protection District and the San Bernardino County Sheriff's Department in accordance with Title 4, Division 5, Chapter 2, Section 45.0201 of the San Bernardino County Code to:

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

(2) Transport explosive materials;

(3) Use explosive materials;

(4) Operate a terminal for handling explosive materials; or

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

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

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

(i) Prior to conducting a public fireworks display, a permit shall be applied for as specified in Section 105.5.44 from the San Bernardino County Fire Protection District, permit fees shall be paid, and plans for the display, inspections of the display site and demonstrations of the display operations shall be approved. A plan establishing procedures to follow and actions to be taken in the event that materials fail to ignite,

discharge, or otherwise fail to function over the fallout area shall be provided to the fire code official.

Section 13.2 Acts Including Causing, Aiding and Abetting.

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

Section 13.3 Enforcement – Purpose and Remedies.

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

Section 13.4 Enforcement Remedies and Penalties are Cumulative and Discretionary; Not Exclusive.

All remedies and penalties provided for in this Code shall be cumulative and discretionary and not exclusive of other applicable provisions of this Code or other applicable State law. The conviction and punishment (whether by fine, imprisonment, or both) of any person hereunder pursuant to a criminal action, or the imposition of a monetary administrative penalty pursuant to an administrative citation, shall not relieve such person from the responsibility of correcting, removing, or abating the violation; nor prevent the enforced correction, removal, or abatement thereof by the District, its employees, agents, or representatives. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action

or the waiver, stay, or reduction of any fine established in this Code. Further, the procedures established in this Code for the use of administrative citations, and the procedures established in other titles and chapters of this Code for administrative abatement and summary abatement as means for addressing violations of this Code shall be in addition to criminal and civil or other legal or equitable remedies established by law which may be pursued to address violations of this Code. The use of the enforcement remedies in this Code shall be at the sole discretion of the District. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the District shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

Section 13.5 Criminal Actions.

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

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

(2) **Infraction violations.** Notwithstanding the foregoing, a misdemeanor violation may be cited, charged, and prosecuted as an infraction. Where so prosecuted, or where specified in a section or chapter of this Code that the violation of a certain section or sections shall be an infraction, then that shall be the type of offense and each such violation shall be punishable, except as otherwise provided herein, upon conviction or upon a plea of nolo contendere (commonly called "no contest"), by: (1) a

base fine not exceeding $100.00 for a first violation; (2) a base fine not exceeding $500.00 for a second violation of the same Code section within one year; and (3) a base fine not exceeding $1,000.00 for each additional violation of the same Code section within one year of the first violation. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.

(b) **Criminal citations**.

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

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

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

(4) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail which in his or her judgment, in accordance with the provisions of Penal Code section 1275, will be reasonable and sufficient for the appearance of the defendant and shall

endorse upon the notice a statement signed by him or her in the form set forth in Penal Code section 815a. The defendant may, prior to the date upon which he or she promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his or her discretion order that no further proceeding shall be had in such case.

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

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

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

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

Section 13.6 Authority to Investigate, Detain, Issue Criminal Citations and Arrest.

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

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

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

Section 13.7 Civil Actions.

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

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

violation; the nature and persistence of such conduct; the length of time over which the conduct occurred or was repeated; the assets, liabilities, and net worth of the violator; whether the violator is a corporate entity or an individual; and any corrective action taken by the violator.

(c) **Attorney's fees.** In any civil action, administrative proceeding (excluding administrative citations issued pursuant to Sections 13.8, 13.9, 13.10, or 13.11), or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order, attorneys' fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the District in that action or proceeding.

Section 13.8 Administrative Citations and Penalties - General.

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

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

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

(2) "Administrative costs" shall mean all costs incurred by or on behalf of the District from the first discovery of the violation of this Code through the appeal

process and until compliance is achieved, including but not limited to, staff time in investigating the violation, inspecting the property where the violation occurred, preparing investigation reports, sending notices, preparing for and attending any appeal hearing, telephone contacts, and correspondence.

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

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

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

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

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

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

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

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

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

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

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

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

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

shall contain the following information:

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

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

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

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

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

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

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

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

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

(10) The administrative citation shall contain the printed name and the

signature of the Enforcement Officer issuing the citation and, where reasonably possible to obtain it, the signature of the responsible party (or managing employee if the responsible party is a business entity), if he or she can be located, as set forth in subsection (d) below.

(d) **Service of Citation.**

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

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

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

provided it is also not returned by the United States Postal Service.

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

(e) **Administrative Penalties**

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

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

(A) The administrative penalty for the first and second violation occurring concurrently shall be the full penalty as defined by Section 13.8(e)(1).

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

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

(3) **Additional Citations.** If the violation is not corrected within the time

limits established in this section, then additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.

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

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

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

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

manner provided by law.

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

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

Section 13.9 Administrative Citations and Penalties – Dangerous Fireworks, and Unlawful Use of Safe & Sane Fireworks.

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

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

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

(d) The imposition of administrative penalties related to "Dangerous Fireworks" under this Section shall be limited to persons who store, possess, handle, sell, use, transport, or publicly display of any amount (gross weight including packaging) of such Dangerous Fireworks. Any person who stores, possesses, handles, sells, uses, transports, or publicly displays 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 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 13.8 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:

(1)

Administrative Penalties for Transportation and Storage of Dangerous Fireworks			
Quantity of illegal or dangerous fireworks	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
1-100 pounds	$1,500.00	$125.00	$1,625.00
Greater than 100 to 500 pounds	$5,000.00	$225.00	$5,225.00
Greater than 500 to 1,000 pounds	$10,000.00	$325.00	$10,325.00
Greater than 1,000 pounds	$15,000.00	$425.00	$15,425.00

(2)

Administrative Penalties for Use of 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 of 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:

(1)

Administrative Penalties for Transportation and Storage of Safe and Sane Fireworks			
Quantity of illegal Safe and Sane Fireworks	**Amount of Administrative Penalty**	**Late Charge**	**Total Amount of Penalty Plus Late Charge**
Less than 10 pounds	**$250.00**	**$15.00**	**$265.00**
Greater than 10 pounds	**$1,000.00**	**$25.00**	**$1,025.00**

(2)

Administrative Penalties for Use of 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 Health and Safety Code Section 12721.

Section 13.10 Administrative Penalties – Egregious Violations.

(a) Any person who violates Section 13.1 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.

Section 13.11 Administrative Remedies and Penalties For Nuisance Fire Alarms.

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

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

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

nuisance fire alarm.

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

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

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

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

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

(f) Notwithstanding the provisions of Section 13.8 no administrative citation shall be imposed for the first three (3) nuisance fire alarms at the same premises during each calendar year.

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

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

Administrative Penalties for False or Nuisance Fire Alarms			
Number of Occurrences	**Amount of Administrative**	**Late Charge**	**Total Amount of Penalty**

in a 1-Year Period	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 13.5(a)(1)(B), 13.5(a)(1)(c), and 13.5(a)(2)(B).

Section 13.12 Appeal of Administrative Citations.

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

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

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

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

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

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

(2) A brief statement of the material facts which the appellant claims supports his/her contention that they did not commit, cause, or otherwise allow a violation of one or more provisions of this Code to occur, exist, or continue as alleged in the administrative citation at issue; or he/she is not a responsible party as defined at Section 13.8(b)(9) of this Code.

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

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

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

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

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

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

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

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

(B) If the appellant fails to appear at the administrative hearing, the Hearing Officer shall make his/her determination based on the information contained

in the Enforcement Officer's case file and the appellant's notice of appeal.

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

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

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

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

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

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

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

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

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

the violation is so corrected.

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

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

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

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

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

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

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

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

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

Section 13.13 Recording of a Notice of Pendency.

(a) Whenever the District institutes a judicial action or proceeding to enforce this Code, a Notice of Pendency of the action or proceeding may be filed with the County Recorder's Office. The notice may be filed at the time of the commencement of the action or proceeding, and upon recordation of the notice as provided in this section, shall have the same effect as a notice recorded in compliance with Section 405.20 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.

Section 13.14 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.

Section 13.15 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.

Section 13.16 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 13.8, 13.9, 13.10, and 13.11), there shall be an appeals board, namely the applicable Building and Safety Board of Appeal, or, if none exists, the applicable local governing body.

(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 applicable board of appeals or governing body shall have no authority to waive requirements of this Code.

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

(d) **Appeals Hearings.** Appeals concerning standards of building construction, electrical work, and all fire protection and detection systems shall be heard by the applicable Building and Safety Board of Appeals, or, if none exists, the applicable local governing body.

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

(f) **Hearing Procedures.** Within 30 days of the acceptance of an application for an appeal, the County or other county, city, town, or District having jurisdiction shall set the matter for hearing and shall give notice to the appellant, the applicant and to any other party who has requested in writing to be so notified. During the hearing, witnesses may be sworn in and examined and evidence produced, and parties may be represented

by counsel. The appropriate appeals board shall keep a record of the proceedings of each hearing and shall issue written findings and a decision within 15 days of the conclusion of the hearing. A written copy of the decision shall be mailed to the parties by first class mail, at such addresses as they have provided.

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

Section 13.17 Cost Recovery.

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

Section 13.18 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 13.19 Order of Precedence.

In the event there is a conflict between the San Bernardino County Fire Protection District Fire Code and the WUI Code as adopted, the order of precedence shall be the San Bernardino County Fire Protection District Fire Code as adopted herein, followed by the WUI Code as adopted herein.

In the event there is a conflict between the San Bernardino County Fire Protection District Fire Code and state law, state law shall prevail.

SECTION 3. The Board of Directors declares that it would have adopted this ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions of it be declared invalid or unconstitutional. If for any reason any portion of this ordinance is declared invalid or unconstitutional, then all other provisions of it shall remain valid and enforceable.

SECTION 4. This ordinance shall take effect 30 days from the date of adoption.

Dawn Rowe

DAWN ROWE, Chair
Board of Directors

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

LYNNA MONELL, Secretary
to the Board of Directors

By: _____
Deputy Secretary to the Board of Directors

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

I, LYNNA MONELL, Secretary of the Board of Directors of the San Bernardino County Fire Protection District, State of California, hereby certify that at a regular meeting of the Board of Directors of the San Bernardino County Fire Protection District, held on the 19th day May, 2026, at which meeting were present Directors: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr., and the Secretary, the foregoing ordinance was passed and adopted by the following vote, to wit:

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

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Directors this 19th day of May, 2026.

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

Deputy

SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

Approved as to Form:

LAURA FEINGOLD
County Counsel

By: _____
JOLENA E. GRIDER
Deputy County Counsel

Date: 5/20/26