

**ORDINANCE NO. BBFA2017-001**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIG BEAR FIRE AUTHORITY, A CALIFORNIA JOINT POWERS AUTHORITY, ADOPTING THE 2016 EDITION OF THE CALIFORNIA FIRE CODE AND THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, ALONG WITH CERTAIN CHANGES, MODIFICATIONS, AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS THERETO**

**WHEREAS**, pursuant to Government Code Section 50022.1 *et seq.* and California Health and Safety Code Section 13869 *et seq.*, the Big Bear Fire Authority (“Authority”) may adopt by reference the 2016 Edition of the California Fire Code and the 2016 Edition of the California Residential Code related to hazardous conditions and materials and fire prevention; and

**WHEREAS**, Health & Safety Code Section 13145 authorizes the Authority to enforce building standards relating to fire and panic safety; and

**WHEREAS**, Health & Safety Code Section 17958.5 permits the Authority to make such changes or modifications to the 2016 Edition Fire Code and the 2016 Edition of the Residential Code as are reasonably necessary because of local conditions; and

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

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

**WHEREAS**, the Authority desires to adopt various amendments to the 2016 Edition of the California Fire Code and the 2016 Edition of the California Residential Code to mitigate, to the extent possible, said deleterious effects; and

**WHEREAS**, the Authority held a public hearing on June 6, 2017, at which time, all interested persons had the opportunity to appear and be heard on the matter of adopting the Fire Code and Residential Code as amended herein; and

**WHEREAS**, the Authority published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on May 24, 2017 and May 31, 2017; and

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

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

The following findings are adopted in reference to the amendments to the 2016 Edition of the California Fire Code and the 2016 Edition of the California Residential Code:

1. **Findings and Adoption of the California Fire Code and California Residential Code.** The Board of Directors of the Authority hereby finds and determines:

(a) That the California Fire Code, 2016 Edition, the California Residential Code, 2016 Edition, are nationally recognized compilations of proposed rules, regulations, and standards of the International Code Council, Inc.

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

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

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

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

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

(a) **Climate:**

The jurisdiction is subject to weather patterns such as frequent periods of drought and low humidity which add to the fire danger.

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

During the summer months, the dry winds and existing vegetation mix to create a hazardous fuel condition, which has resulted in large-loss vegetation and structure fires. Summer temperatures exceeding 95 degrees and severe “Santa Ana” winds frequently occur and can move a fire quickly throughout areas of the County and City.

(c) **Limited Water Supply:**

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

(d) **Topographical:**

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

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

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

(f) **Seismic Hazards:**

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

(g) **Dense Development:**

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

(h) **Administrative:**

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

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

Code Section	Description	Finding
<b>FIRE CODE</b>		
101.1	Title (amended)	h
104.10	Fire Investigations (amended)	h
104.10.2	Authority as Peace Officers (added)	h
104.12	Cost Recovery (added)	h
104.13	Expenses for Securing an Emergency (added)	h
105.6.5	Carnivals, Fairs, Block Parties, and other Outdoor Assemblage (amended)	a, b, c, d, e, f, g
105.6.32	Open Burning (amended)	a, b, c, d, e, f, g
105.6.32	Exception: Recreational Fires (deleted)	h
108.1	Appeals Board Established (amended)	h
108.3	Qualifications (deleted)	h
108.4 – 108.7	Regarding Hearings (added)	h
109.4	Violation Penalties (amended)	h
109.4.1	Abatement (amended)	h
202	Definitions (amended)	h

305.3	Open-Flame Warning Device (amended)	a, b, c, d, e, f, g
307.1 – 307.2	Regarding Open Fires (amended)	a, b, c, d, e, f, g
307.3	Extinguishment Authority (amended)	h
307.4 – 307.5	Regarding Recreational Fires (deleted)	a, b, c, d, e, f, g
315.7	Outside Storage of Firewood (added)	a, b, c, d, e, f, g
403.12.1	Fire Watch Personnel (amended)	a, b, c, d, e, f, g
503.2.1	Dimensions (amended)	c, d, e, g
503.2.3	Surface (amended)	c, d, e, g
503.4	Obstruction to Fire Apparatus Access Roads (amended)	c, d, e, g
507.1	Required Water Supply (amended)	a, b, c, d, e, f, g
507.3	Fire Flow (amended)	a, b, c, d, e, f, g
507.3.1	Inadequate Fire Flow (added)	a, b, c, d, e, f, g
903.2	Where Required (amended)	a, b, c, d, e, f
903.2.11.7	Buildings 5,000 Square Feet or More in Size (added)	a, b, c, d, e, f, g
903.2.11.8	Additions to Existing Buildings (added)	a, b, c, d, e, f, g
903.7	Freeze Protection (added)	a
3206.2	Table 3206.2 (amended)	a, b, c, d, e, f, g

4901.3 – 4906.6	Regarding Wildland-Urban Interface Requirements (amended)	a, b, c, d, e, f, g
5601.1.3	Fireworks (amended)	a, b, c, d, e, f, g
5601.1.3.1	Seizure (added)	h
5704.4.9	Tank Storage Prohibited (added)	a, b, c, d, e, f, g
Chapter 80 NFPA 13D 6.1.2	Stored Water (amended)	a, b, c, d, e, f, g
B105.2	Buildings Other than One and Two Family Dwellings	a, b, c, d, e, f, g
Appendix C	Appendix C	a, b, c, d, e, f, g
<b>RESIDENTIAL CODE</b>		
R313.3.1.2	Required Sprinkler Locations	a, b, c, d, e, f, g
R315.3.5.2	Required Capacity	a, b, c, d, e, f, g

3. **Adoption of the California Fire Code.** The Board of Directors of the Authority hereby adopts with certain amendments, additions, deletions, and exceptions, including penalties in the 2016 Edition of the California Fire Code, with errata, also known as Part 9 of Title 24 of the California Code of Regulations (incorporating the 2015 International Fire Code), and Chapter 1, Appendix Chapter 4, and Appendices B, BB, C, CC, D, H, I & J and Errata, as compiled and published by the International Code Council, and the Authority Standards and Interpretations as approved by the fire code official. The provisions of this California Fire Code, subsequent amendments, California Fire Code Appendices, and the Authority Standards and Interpretations shall be collectively known as the “Authority Fire Code” and shall be applicable in all areas of the Authority within the County and City. One (1) copy of the California Fire Code has been deposited in the office of the Secretary of the Board of Directors of the Authority and shall be at all times maintained by the Secretary for use and examination by the public. From the date on which this ordinance shall take effect, the provisions hereof shall be controlling within the limits of the Authority.

4. **Adoption of the California Residential Code.** The Board of Directors of the Authority hereby adopts the 2016 Edition of the California Residential Code, also known as Part 2.5 of Title 24 of the California Code of Regulations (incorporating the 2015 International Residential Code), as compiled and published by the International Code Council, and the Authority Standards and Interpretations as approved by the fire code official. The provisions of this California Residential Code, subsequent amendments, California Residential Code Appendices, and the Authority Standards and Interpretations shall be applicable in all areas of the Authority.

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

(a) **Chapter 1**

Section 101.1 is amended to read:

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

Section 104.10 is amended to read:

**104.10 Fire Investigations.** The fire department shall have the authority to investigate the cause, origin, and circumstances of any fire, explosion, release of hazardous materials or other hazardous condition. The fire chief or fire code official shall be responsible to pursue any investigation to its conclusion. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

Section 104.10.2 is added to read:

**104.10.2 Authority as Peace Officers.** The Fire Chief is authorized to designate a member, or members, of the department as peace officers pursuant to California Penal Code Sections 830.2(g), 830.37(a) and 836.5(a). The Fire Chief, Fire Marshal and those members designated as investigators by the Fire Chief, shall have the full powers of a peace officer and shall be authorized to conduct investigative detentions, issue criminal citations, and make arrests pursuant to California Penal Code Section 836 for any violation of this code or any referenced or state law, 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 104.12 is added to read:

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

Section 104.13 is added to read:

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

Section 105.6.5 is amended to read:

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

Section 105.6.32 is amended to read:

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

**Delete Exception:** Recreational fires.

Section 108.1 is amended to read:

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

Section 108.3 is deleted.

Section 108.4 to 108.7 is added to read:

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

**108.5 Hearing Procedures.** Upon receipt of a request for a hearing before the Appeals Board, the Secretary of the Board of Directors shall fix the time and place of the hearing which



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

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

Section 109.4 is amended to read:

**109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements of this code or shall fail to comply with any of the requirements thereof or shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars and/or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (H&S Code Sections 13145 and 17995).

Section 109.4.1 is amended to read:

**109.4.1 Abatement of violation.** In addition to the imposition of penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. In the event that a hazardous condition exists, as determined by the fire code official and in accordance with this chapter, the fire code official may give notice to the owner of the property upon which a hazardous condition exists to abate such condition. In the event that abatement is not performed within the time frames granted by such notices or other written documentation, the fire code official may cause abatement to be done in accordance with public nuisance abatement procedures and make the expense of such abatement a lien upon the property at which such condition exists.

(b) **Chapter 2**

Section 202 is amended by adding the following definitions:

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

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

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

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

**Fire Code Official.** The Fire Chief or other designated authority charged with the administration and enforcement of the code or a duly authorized representative. Within the jurisdictional boundaries of the City of Big Bear Lake, the Building Code Official of the City of Big Bear Lake shall be authorized to administer and enforce the 2016 California Building Code Standards as found in Title 24 of the California Code of Regulations, including California Building Code Chapters 7, 8, 9, and 10, California Residential Code Chapters 7, 8, 9, and 10, and California Fire Code Volumes 7, 8, 9, and 10, for the purpose of conducting plan reviews and construction inspections of new buildings, additions, repairs, alterations and remodels.

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

(c) **Chapter 3**

Section 305.3 is amended to read:

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

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

Section 307.1 is amended to read:

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

Section 307.2 is amended to read:

**307.2 Permit Required.** When required pursuant to Section 105.6.32, a permit shall be obtained prior to kindling any open fire.

**EXCEPTION:** Barbecues, portable outdoor fireplaces or fire rings using propane, natural gas or charcoal briquettes.

Section 307.3 is amended to read:

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

Sections 307.4 through 307.5 are deleted.

Section 315.7 is added to read:

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

(d) **Chapter 4**

Section 403.12.1 is amended to read:

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

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

(e) **Chapter 5**

Section 503.2.1 is amended to read:

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

**EXCEPTIONS:**

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

Section 503.2.3 is amended to read:

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

Section 503.4 is amended to read:

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

Section 507.1 is amended to read:

**507.1 Required Water Supply.** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

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

Section 507.3 is amended to read:

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

**EXCEPTION:**

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

Section 507.3.1 is added to read:

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

(f) **Chapter 9**

Section 903.2 is amended to read:

**903.2 Where Required.** Approved automatic sprinkler systems in new buildings and structures, including pre-manufactured structures, shall be provided in locations described in Sections 903.2.1 through 903.2.19.

Section 903.2.11.7 is added to read:

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

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

Section 903.2.11.8 is added to read:

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

Section 903.7 is added to read:

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

(g) **Chapter 32**

Table 3206.2 is amended as follows:

The portion of Table 3206.2 pertaining to the “High Hazard” Commodity Class is amended to read as follows:

COMMODITY CLASS	SIZE OF HIGH-PILED STORAGE AREA <sup>a</sup> (square feet) (see Sections 3206.2 and 3206.4)	ALL STORAGE AREAS (see Sections 3206, 3207 and 3208) <sup>b</sup>				SOLID-PILED STORAGE, SHELF STORAGE AND PALLETIZED STORAGE (see Section 3207.3)		
		Automatic fire-extinguishing system (see Section 3206.4)	Fire detection system (see Section 3206.5)	Building access (see Section 3206.6)	Smoke and heat removal (see Section 3206.7)	Maximum pile dimension (feet) <sup>c</sup>	Maximum permissible storage height <sup>d</sup> (feet)	Maximum pile volume (cubic feet)
High Hazard	0-400	Not Required <sup>a</sup>	Not Required	Not Required <sup>e</sup>	Not Required	25	10	25,000

(h) **Chapter 49**

Section 4901.3 is added to read:

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

Section 4906.1 is amended to read:

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

Section 4906.2 is amended to read:

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

Section 4906.3 is amended to read:

**4906.3 Requirements.** It shall be the responsibility of every property owner, occupant, and person in control of any land interest to abate the accumulation of forest fuels around their property, through implementation of the following measures within ten (10) feet of roads and driveways, and within an area surrounding a structure from zero to one hundred (100) feet in the front and rear yards, or to the property lines (whichever is less); and between the structures and side property lines:

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

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

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

- d) Any branches that have any portions less than ten (10) feet from chimney openings shall be completely trimmed. Branches located within ten (10) feet vertical distance from the roof line that overhang a structure shall be removed.
- e) All litter generated from clearing and trimming shall be properly disposed of within ten (10) days, except that any logs infested with bark beetles shall be treated prior to removal as recommended by the California Department of Forestry or a qualified tree expert.

- f) Stack cut logs or firewood greater than one cord of wood or 128 cubic feet shall be located ten (10) feet away from any structure or shall be covered with a fire resistive structure or fabric. Firewood should be stacked away from the drip line of trees.
- g) All pine needles and leaves shall be removed when within five (5) feet of a structure.

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

Section 4906.4 is amended to read:

#### **4906.4 Native Brush and Shrubs.**

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

- a) All native brush and shrubs shall be installed and maintained in a manner that minimizes fire risk, including, without limitation, by removing dead branches and twigs at all heights, modifying the lower foliage of branches, and selectively pruning to reduce the density of the plant.
- b) Native brush shall be installed and maintained with horizontal spacing such that the space between two shrubs (horizontally) shall be a minimum of two times the height of the tallest shrub. Individual shrubs or groups of shrubs clumped together shall be modified so that their diameter does not exceed fifteen (15) feet. Groups of shrubs clumped together with a diameter of fifteen (15) feet or less shall be treated as a single plant.
- c) Subsections B, C, and D of this Section shall not apply to an isolated shrub or shrubs that have been heavily modified by thinning and limbing up, nor to activities within the boundaries of a plant conservation easement area that do not, in the opinion of the fire chief, or his or her designee, constitute a fire hazard. In deciding whether such shrub or shrubs constitute a fire hazard, the fire chief, or his or her designee, shall consider: (i) the proximity of the shrub(s) to other buildings or structures; (ii) the types of shrub(s) involved; (iii) the potential threat of the shrub(s) to the public health, welfare and safety; and (iv) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare, including, without limitation, whether such shrub(s) is endangered, rare or threatened.



- d) Cut and/or thinned vegetation shall be disposed of no later than ten (10) days after cutting.

#### **4906.4.2 Definitions / Administration and Enforcement.**

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

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

B. The fire chief, or designee, shall enforce the provisions of this chapter with respect to any and all properties as he or she deems necessary for the public health, safety and welfare. In making such a determination, the fire chief, or his or her designee, shall consider: (i) the proximity of the brush and/or shrubs to other buildings or structures; (ii) the types of brush and/or shrubs involved; (iii) the potential threat of the brush and/or shrubs to the public

health, welfare and safety; (iv) the determination of any other public agencies as to the fire danger of the area; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare.

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

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

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

**4906.4.4 Exceptions.**

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

the brush and/or shrubs; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare, including, without limitation, whether such shrub(s) is endangered, rare or threatened.

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

#### **4906.4.5 Protection of Sensitive Biological Resources.**

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

All surveys required by this subsection shall be conducted within a reasonable time as determined by the fire chief, or his or her designee.

- B. If any native brush modification is required for more than twenty (20) shrubs and vegetation modification activities cannot be performed outside the nesting season (typical nesting season is March 15 through August 15), a nesting bird survey shall be performed less than one week prior to vegetation modification activities. Should the owner be required to conduct a nesting bird survey, he or she shall contact the Authority or the City of Big Bear Lake Planning Department for a list of qualified nesting bird surveyors, which list may be updated or revised at the discretion of the Fire Authority or the City. Upon completion of the survey, the surveyor shall advise the owner as to any shrub(s) containing nesting birds that should not be modified until the completion of the nesting cycle. A form shall be completed at the end of the survey that will provide details as to the results of the survey. The surveyor shall provide a copy of the form to the owner and the Planning and/or Fire Departments. The owner shall not conduct any modification without prior written approval of the City or Authority. All surveys required by this subsection shall be conducted within a reasonable time as determined by the fire chief, or his or her designee.
- C. Any owner receiving a NOTICE TO ABATE form (for any number of shrubs) will also receive a pamphlet pertaining to providing protection for nesting birds. The pamphlet will describe the Migratory Bird Treaty Act, and suggest that if vegetation modification will occur during the nesting season (March 15 through August 15), owners need to check for the presence of active bird nests and avoid modification of any vegetation containing an active bird nest (or vegetation within twenty-five (25) feet of the active bird nest) until the young have fledged.

**4906.5 Hazardous Trees.** The provisions of this chapter shall apply to any live or dead tree which constitutes a fire, health or safety hazard or which may endanger or injure neighboring property, or the health, safety or well-being of persons or property; and it shall be the duty of every owner, occupant and person in control of any land or interest therein to abate.

**4906.6 Outdoor Storage and Uses.**

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

(i) **Chapter 56**

Section 5601.1.3 is amended to read:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, and use of fireworks is prohibited.

**Exception:** A permit may be issued by the fire code official in accordance with Section 5608 for the use of fireworks or pyrotechnics for public fireworks display or special effects in motion picture, television, theatrical productions.

Section 5601.1.3.1 is amended to read:

**5601.1.3.1 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.

(j) **Chapter 57**

Section 5704.4.9 is added to read:

**5704.4.9 Tank Storage Prohibited.** Pursuant to this section, the storage of flammable and combustible liquids in outside aboveground unprotected tanks and below grade vaulted tanks shall be prohibited in areas where the fire code official determines that the installation of flammable and combustible aboveground storage tanks or below grade vaulted tanks will create a hazard to occupants and property owners in the area.

(k) **Chapter 80**

NFPA 13D is amended as follows:

Section 6.1.2 is amended to read:

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

Section 6.1.3 is deleted.

(l) **Appendix B**

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

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

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

(m) **Appendix C**

Section C103.4 is added to read:

**C103.4 Fire Hydrants Available.** The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements specified in Section C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

Section C103.1 is amended to read:

**C103.1 Maximum Spacing.** The average spacing between fire hydrants shall not exceed 300 feet (91m) in industrial, commercial, and multifamily development, and 600 feet (183m) in all single-family developments. Spacing of fire hydrants along public streets shall also be guided by other County or Authority public works standards.

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

Table C102.1 is deleted.

6. **Amendments to the California Residential Code.** The California Residential Code is amended as follows:

(a) **Chapter 3**

Section R313.3.1.2 is amended to read:

**R313.3.1.2 Required Sprinkler Locations.** Sprinklers shall be installed to protect all areas of a dwelling unit.

**EXCEPTIONS:**

1. Attics, crawl spaces, built-up areas less than five (5) feet in height and normally unoccupied concealed spaces that do not contain fuel-fired appliances, do not require sprinklers. In those areas containing fuel-fired appliances, a sprinkler shall be installed above the appliance.
2. Detached garages, carports with no habitable space above, open attached porches, balconies or stairs, and similar areas.

3. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Section R313.3.5.2 is amended to read:

**R313.3.5.2 Required Capacity.**

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

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

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

**7. Ordinance Repeals**

That 2013 Fire Code Ordinance No. BBFA2014-001 and any and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**8. Severability**

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

**9. Rights Reserved**

That nothing in this ordinance or in the Authority Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action existing, under any act or ordinance hereby repealed as cited in Section 8 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**10. Publication and Certification**

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

copy of the adopted ordinance in the office of the Secretary of the Board, in accordance with California Government Code Section 36933.

11. **CEQA**

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

12. **Effective Date**


This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force thirty (30) days from and after the date of its final passage and adoption.

**PASSED, APPROVED, and ADOPTED** by the Big Bear Fire Authority Board of Directors at its regular meeting held the 6th day of June, 2017 by the following vote:

AYES: Green, Jackowski, Jahn, Oxandaboure, Walsh, Ziegler, Caretto and Putz  
NOES: None  
ABSENT: Herrick and Russo  
ABSTAIN: None

  
\_\_\_\_\_  
Randall Putz  
Chairman, Board of Directors  
Big Bear Fire Authority

ATTEST:

  
\_\_\_\_\_  
Dawn E. Marschinke  
Secretary  
Big Bear Fire Authority



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

I, Dawn E. Marschinke, Secretary of the Big Bear Fire Authority Board, do hereby certify that the whole number of members of the said Board is ten; that the foregoing ordinance, being Ordinance No. BBFA2017-001 was duly passed and adopted by the said Board, approved and signed by the Chair of said Board, and attested by the Secretary of said Board, all at a meeting of the said Board held on the 6th day of June 2017, and that the same was so passed and adopted by the following vote:

AYES: Green, Jackowski, Jahn, Oxandaboure, Walsh, Ziegler, Caretto and Putz  
NOES: None  
ABSENT: Herrick and Russo  
ABSTAIN: None

Witness my hand and the official seal of said Authority this 6th day of June 2017.

*Dawn E. Marschinke*

\_\_\_\_\_  
Dawn E. Marschinke  
Secretary  
Big Bear Fire Authority

