

ORDINANCE NO. BBFA2021-002

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE BIG BEAR FIRE AUTHORITY, A CALIFORNIA
JOINT POWERS AUTHORITY, ESTABLISHING
PENALTIES FOR VIOLATIONS OF THE FIRE CODE**

WHEREAS, the Big Bear Fire Authority (“Authority”) exists pursuant to the laws of the state of California and that certain Joint Powers Agreement entered into by and between the Big Bear City Community Services District and the Big Bear Lake Fire Protection District, a subsidiary fire protection district of the City of Big Bear Lake (“City”); and

WHEREAS, Health and Safety Code section 13869.7 authorizes the Authority to adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code, subject to the ratification of the City and San Bernardino County; and

WHEREAS, the Authority has adopted a more stringent version of the California Fire Code and California Residential Code with local amendments (collectively, “Fire Code”) in compliance with section 13869.7 and the Authority is authorized by such adoption to enforce the Fire Code; and

WHEREAS, the Authority desires to encourage compliance with the Fire Code; and

WHEREAS, Government Code section 53069.4 authorizes the Authority to issue administrative citations to enforce its ordinances in addition to criminal, civil or any other legal remedies established by law, which may be pursued to address violations of the Fire Code; and

WHEREAS, currently, there is a procedure for the issuance and appeal of administrative citations for Fire Code violations but the Authority desires to establish an alternative administrative citation procedure and additional penalties, as well as make its enforcement provisions more uniform and consistent with that of San Bernardino County; and

WHEREAS, the purpose of this Ordinance is to establish an alternative procedure for the issuance and appeal of administrative citations and other penalties in the enforcement of the Fire Code; and

WHEREAS, at the discretion of the Authority, violations of the Fire Code may be addressed through the institution of a criminal action, a civil action, or an administrative action as set forth in this Ordinance.

NOW THEREFORE, the Board of Directors of the Big Bear Fire Authority does ordain as follows:

Section 1. Penalties and Applicability

- A. No person shall violate or fail to comply with any provision or requirement of the Authority Codes, as defined herein, or maintain a public nuisance subject to abatement under Authority Codes. Any person who shall violate or fail to comply with any provision or requirement of the Authority Codes, or a condition of any permit issued pursuant to Authority Codes, or who maintains a public nuisance subject to abatement under Authority Codes, shall be guilty of a misdemeanor unless (1) such a violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person shall be guilty of an infraction; or (2) such a violation or failure is prosecuted exclusively as a civil administrative action pursuant to this Ordinance. Any person, business, organization corporation, or other entity that fails to pay an administrative fine or to comply with an Administrative Order is guilty of a misdemeanor as provided in this Ordinance.
- B. All remedies and penalties provided in this Ordinance shall be cumulative and discretionary and not exclusive of other applicable provisions of this Ordinance or applicable State law. Notwithstanding any remedies, penalties and procedures set forth in other Authority Codes, all remedies, penalties and procedures provided in this Ordinance shall apply at the discretion of the Authority and Enforcement Officers.
- C. Use of this Ordinance shall be at the sole discretion of the Authority and Enforcement Officers.

Section 2. Definitions

- A. “Appeals Board” shall mean the Appeals Board established by section 109.1 of the California Fire Code and related laws, as amended by an ordinance of the Authority from time to time, including, but not limited to, Authority Ordinance No. BBFA2020-001.
- B. “Authority Codes” shall mean the Fire Code (as defined herein), this Ordinance, other codes or ordinances of the Authority, and other applicable laws enforceable by the Authority.
- C. “Continuing Violation” shall mean an ongoing violation of the Authority Codes that persists in excess of one day.
- D. “Enforcement Officer” shall mean that person or persons specifically designated by Authority Codes or the Fire Chief to enforce any provisions of the Authority Codes.
- E. “Fire Code” shall mean the California Fire Code, California Residential Code, and related laws, as may be amended by an ordinance of the Authority from time to time, including, but not limited to, Authority Ordinance No. BBFA2020-001.

- F. “Individual Violation” shall mean an isolated violation of Authority Codes that exists or persists for one full day or less.
- G. “Responsible Person” shall mean any of the following:
 - (1) Any person or entity that causes, maintains, suffers, permits, aids, abets, or otherwise allows a violation of Authority Codes, by his or her action or failure to act.
 - (2) Any person or entity that occupies, owns, possesses, or controls any parcel of real property in the Authority upon which a violation of Authority Codes occurs or exists.
 - (3) Any trustee of any trust that holds legal title to any parcel of real property in the Authority upon which a violation of the Authority Codes is maintained.
 - (4) Any person or entity that owns, possesses, manages, or controls any business within the Authority that is responsible for causing or maintaining a violation of Authority Codes.

Section 3. Administrative Citation

- A. Whenever an Enforcement Officer charged with the enforcement of any provision of Authority Codes determines that a violation of a provision of Authority Codes has occurred, the Enforcement Officer shall have the authority to issue an administrative citation to any person responsible for the violation.
- B. Authority to Issue an Administrative Citation
 - (1) Continuing Violation that does not create an immediate danger to public health and safety. Where the violation is a Continuing Violation that does not create an immediate danger to public health and safety, the citation shall set forth a reasonable period of time, which shall not be less than 15 days, for the person responsible for the continuing violation to correct or otherwise remedy the violation prior to the imposition of the administrative fine.
 - (2) Continuing Violation that creates an immediate danger to public health and safety. Where a violation is a Continuing Violation that constitutes an immediate danger to the public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the violation, if the violation is not corrected within the two-hour time period, the Authority shall have the option to initiate abatement procedures or impose the administrative citation provisions set forth herein.

- (3) Individual Violation that does not create an immediate danger to public health and safety. Where a violation is an Individual Violation that does not create an immediate danger to public health and safety, a written notice to correct the violation shall be issued for the first offense. For second and subsequent violations of the same code provision, the person responsible for the violation shall not have an opportunity to correct or otherwise remedy the violation prior to the administrative fine being imposed. Each person, firm, or corporation shall be guilty of a separate offense for each day and every day during any portion of which any violation is committed.
- (4) Individual Violation that creates an immediate danger to the public health and safety. Where a violation is an Individual Violation that constitutes an immediate danger to the public health and safety, the property owner shall be provided notice to correct the violation within a maximum of two (2) hours from when the verbal or written notice was received. Depending upon the severity of the violation, if the violation is not corrected within the two-hour time period, the Authority shall have the option to initiate abatement procedures or impose the administrative citation provisions set forth herein.

C. Each administrative citation shall contain the following information:

- (1) The date of the violation;
- (2) The address or a definite description of the location where the violation occurred;
- (3) The section or provision of the Authority Codes violated and a description of the violation;
- (4) The amount of the fine for the violation;
- (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
- (6) An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;
- (7) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for a hearing form to contest the administrative citation may be obtained; and
- (8) The name and signature of the citing Enforcement Officer.

- D. Each provision of the Authority Codes that is violated constitutes a separate violation. Each day such a violation continues shall be regarded as a new and separate violation.

Section 4. Amount and Payment of Fines

- A. Misdemeanor violations. For a violation of Authority Codes specified to be punishable as a misdemeanor, or which is punished as a misdemeanor under Section 1(A) of this Ordinance, for which no fine is specifically provided, the amount of the penalty shall be as set forth here. 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 one thousand dollars (\$1,000.00), or by imprisonment in jail for a period of not more than six (6) months, or by both such base fine and imprisonment.
- B. Infraction violations. Notwithstanding the foregoing, a misdemeanor violation may be cited, charged, and prosecuted as an infraction. Where so prosecuted, or where specified in Authority Codes 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 contender (commonly called “no contest”), by:
- (1) A base fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - (2) A base fine not exceeding five hundred dollars (\$500.00) for a second violation of the same code provision within one (1) year from the date of the first violation;
 - (3) A base fine not exceeding one thousand dollars (\$1,000.00) for a third or more violation(s) of the same code provision within one (1) year from the date of the first violation.
- C. Administrative citation fines. Pursuant to the authority granted in Section 53069.4 of the California Government Code, the amount of administrative fines for Authority Code violations imposed pursuant to this Ordinance shall be assessed in the amounts specified by a Resolution of the Authority, or, where no amount is specified in a Resolution:
- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - (2) A fine not exceeding five hundred dollars (\$500.00) for a second violation of the same code provision within one (1) year from the date of the first violation;

- (3) A fine not exceeding one thousand dollars (\$1,000.00) for a third or more violation(s) of the same code provision within one (1) year from the date of the first violation.

D. Payment of the Fine

- (1) The fine shall be paid to the Authority within thirty (30) days from the date of the administrative citation. A late payment charge of twenty-five dollars (\$25.00) shall be imposed upon failure to pay the amount due by the payment deadline. In addition, interest at the legal rate of ten percent (10%) shall be imposed on a monthly basis for any administrative citation amount remaining unpaid to the Authority.
- (2) Any administrative citation fine paid pursuant to this Ordinance shall be refunded, if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.
- (3) Payment of a fine under this Ordinance shall not excuse or discharge any continuation or repeated occurrence of the violation of Authority Codes that is subject of the administrative citation.

Section 5. Civil Actions

- A. (a) Injunctive relief and abatement. At the request of any person authorized to enforce the Authority Codes, the Authority's Counsel or the County of San Bernardino District Attorney may commence proceedings for the abatement, removal, correction and enjoinder of any act or omission that constitutes or will constitute a violation of the Authority Codes, or any permit issued pursuant to the Authority Codes or related laws, or any condition(s) of approval for such permit granted pursuant thereto, and 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 the Authority Codes, or any permit issued pursuant to the Authority Codes or related laws, 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 Section 4 of this Ordinance), or special proceeding to abate a public nuisance, whether by seeking injunctive relief and/or an abatement order, or other order, attorney's fees may be recovered by the prevailing party and shall not exceed the amount of reasonable attorney's fees incurred by the Authority in that action or proceeding.

Section 6. 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 a local, state, or federal law enforcement agency or Authority 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 25 pounds or less (gross weight including packaging) of such Dangerous Fireworks. Any persons who store, possess, handle, sell, use, transport, or publicly display over 25 pounds (gross weight including packaging) of such Dangerous Fireworks may be subject to criminal action.

E. Administrative penalties collected pursuant to this section related to "Dangerous Fireworks" shall not be subject to California Health and Safety Code section 12706, which section provides that certain fines collected by a court of the state be deposited with, and disbursed by, the County Treasurer. However, the Authority 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 Authority, which costs will be part of any administrative penalty imposed. Unless and until said regulations have been adopted by the state of California, the Authority 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 this Ordinance.

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

Administrative Penalties for Dangerous Fireworks			
Number of Occurrences in a 1-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$1,250.00	\$125.00	\$1,375.00
Second	\$2,250.00	\$225.00	\$2,475.00
Three or More	\$3,250.00	\$325.00	\$3,575.00

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

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

I. The issuance of an administrative citation pursuant to this section shall not preclude the Enforcement Officer 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 Ordinance and California Health and Safety Code section 12721.

J. Interest in the amount set forth in Section 4 shall be imposed on a monthly basis for any administrative citation amount remaining unpaid to the Authority under this section.

Section 7. Appeal Hearing Upon Request

A. Any recipient of an administrative citation may contest that there was a violation of the Authority Codes, or that he or she is the responsible party, by completing a

request for hearing form and returning it to the Authority within fifteen (15) calendar days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed.

- B. A request for a hearing form may be obtained from the place specified on the administrative citation.
- C. Any appeal not timely filed shall be rejected. Failure of any person to file an appeal in accordance with the provisions of this Section 7 shall constitute a waiver of that person's rights to administrative determination of the merits of the citation and the amount of the fine.
- D. A request for a hearing before the Appeals Board shall be deemed filed upon the Secretary of the Board's receipt of payment of an appeal fee, which may be determined and set by the Authority to cover the cost of preparing the record for the appeal and for any other costs or expenses of conducting the hearing. Unless otherwise specified by resolution, the appeal fee is \$250. After all appeals have been exhausted, the Authority will refund any portion of the appeal fee(s) which are not used. A summary of the costs will be compiled and sent to the appellant and paid within thirty (30) days of exhaustion of all appeals.

Section 8. Advance Deposit Hardship Waiver

- A. Any person who intends to request a hearing to contest that there was a violation of the Authority Codes, or that he or she is the Responsible Person, and who is financially unable to make the advance deposit of the fine as required in this Ordinance may file a request for an advance deposit hardship waiver at the time of filing the hearing request.
- B. The requirement of depositing the full amount of the fine as described in Sections 7(A) and 7(D) shall be stayed until the Director of Finance makes a determination on the advance deposit hardship waiver request.
- C. The Director of Finance may waive the requirement of an advance deposit only if the requesting party submits to the Director of Finance a sworn declaration, together with any supporting documents or materials, demonstrating to the satisfaction of the Director of Finance the person's actual financial inability to deposit with the Authority the full amount of the fine in advance of the hearing.
- D. The Director of Finance shall issue and mail a written decision to the person who applied for the advance deposit hardship waiver. The written decision shall list the reasons for his or her decision. The written decision of the Director of Finance shall be final.

- E. If the Director of Finance determines not to grant the advance deposit hardship waiver, the person shall remit the deposit to the Authority within ten (10) calendar days of the date of the written decision.

Section 9. Dismissal of Citation

At any time before the hearing, if the Enforcement Officer determines that there was no violation as charged in the administrative citation or that the citation should be dismissed in the interest of justice, the Enforcement Officer may dismiss the administrative citation, cancel the requested hearing, and refund any advance deposit paid pursuant to this Ordinance.

Section 10. Appeals Board

The Appeals Board established in Section 109.1 of the Authority's Fire Code (as may be amended or replaced from time to time) shall serve as the appropriate body for the administrative citation hearing. In order to hear and decide appeals of orders, decisions, or determinations made by the Enforcement Officer relative to the application and interpretation of the Authority Codes or this Ordinance, a committee of the Big Bear Fire Authority Board of Directors shall serve as an Appeals Board. As provided in Section 109.1 of the Authority's Fire Code, the Authority may alternatively contract with or otherwise designate an outside hearing officer to serve as the Appeals Board. Certain appeals involving enforcement by the County may also be heard by the County Fire Protection District Fire Chief/Fire Warden, the Fire Chief's/Fire Warden's designee, or other hearing officer so designated by the County and/or the County Fire Protection District in accordance with their appeal procedures.

Section 11. Hearing Procedure

- A. No hearing to contest an administrative citation or other administrative decision governed by this Ordinance before the Appeals Board shall be held unless and until a timely written request for a hearing has been submitted in accordance with Section 7, and the fine has either been deposited in advance or waived in accordance with Section 8.
- B. A hearing before the Appeals Board shall be set for a date that is not less than ten (10) days and not more than thirty (30) days from the date that the request for hearing is filed in accordance with the provisions of this Ordinance. The person requesting the hearing and the Enforcement Officer involved shall be notified of the time and place for the hearing at least ten (10) days prior to the date of the hearing.
- C. The Appeals Board shall only consider evidence that is relevant to whether the violation(s) occurred or administrative citation should be upheld, or whether the

responsible person has caused or maintained the violation of the Authority Codes on the date(s) specified in the administrative citation.

- D. The Responsible Person contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.
- E. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.
- F. The administrative citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.
- G. If the Enforcement Officer submits any additional documents concerning the administrative citation to the Appeals Board for consideration at the hearing, then a copy of the additional documents shall also be mailed to the person requesting the hearing prior to the date of the hearing.
- H. No other discovery is permitted. Formal rules of evidence shall not apply.
- I. The Appeals Board may continue the hearing and request additional information from the Enforcement Officer or the recipient of the administrative citation prior to issuing a written decision.

Section 12. Appeals Board's Decision

- A. After considering all of the testimony and evidence submitted at the hearing, the Appeals Board shall issue a written decision within fifteen (15) days after conclusion of the hearing to uphold or dismiss the administrative citation and shall list in the decision the reasons for that decision.
- B. If the Appeals Board determines that the administrative citation should be upheld, then the fine amount on deposit with the Authority shall be retained by the Authority.
- C. If the Appeals Board determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the Appeals Board shall set forth in the decision a payment schedule for the fine.
- D. If the Appeals Board determines that the administrative citation should be dismissed and the fine was deposited with the Authority, the Authority shall refund the amount of the deposited fine in accordance with standard operating procedures established by the Authority.

- E. The recipient of the administrative citation shall be mailed a copy of the Appeals Board's written decision. The decision of the Appeals Board shall be final.

Section 13. Failure to Pay Fines

- A. The Authority may collect any past due administrative citation fines, administrative fees, or late payment charges by use of all available legal means, including, but not limited to, personal collection from the responsible parties and special assessment against the parcel of real property containing the violations cited. The Authority also may recover all costs, expenses, and fees, including attorneys' fees, associated with the assessment, enforcement, processing, and collection of the fines associated with the administrative citation in accordance with the provisions of this Ordinance.
- B. The failure of any person to pay a fine assessed by the administrative citation within the time specified on the administrative citation constitutes a debt to the Authority. To enforce the debt, the Authority may file a civil action, impose a special assessment as set forth below, or pursue any other legal remedy to collect such debt, including reasonable costs of collection and attorney's fees.
- C. The Authority may impose a special assessment or lien against the property that is the subject of an administrative citation if the citation has been issued to the property owner. If the administrative citation concerns property not owned by the Responsible Person, the Authority may impose a special assessment or lien against the property owned by the Responsible Person.
- D. For a special assessment, a copy of the assessment shall be turned over to the San Bernardino County tax collector. At that point, it will be the duty of the tax collector to add the amounts of the respective assessments to the next regular property tax bills levied against the lots and parcels of land for municipal purposes. Those amounts shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes.
- E. In the alternative or in addition, the Fire Chief may record a notice of lien in the San Bernardino County Recorder's Office for the amount of the lien assessed. After recordation, the lien may be foreclosed by judicial or other sale in the manner and means provided by law.

Section 14. Right to Judicial Review

Any person aggrieved by an administrative decision of the Appeals Board on an administrative citation under this Ordinance may obtain review of the administrative decision by filing a petition for review with the San Bernardino County Superior Court in

accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

Section 15. Notices

- A. The administrative citation and all notices to be given by this Ordinance shall be provided to the Responsible Person in accordance with the provisions of this section. Unless different provisions herein are otherwise specifically made, such administrative citation or notice may be given by either personal delivery thereof to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the same appears in the public records of the city or county where the property is located or other records pertaining to the matter to which such notice is directed. Notice by mail shall be deemed to have been completed at the time of deposit with the U.S. Postal Service.
- B. Failure to receive any notice specified in this part does not affect the validity of proceedings conducted hereunder.

Section 16. Civil or Criminal Actions Not Affected

Any administrative citation issued pursuant to this Ordinance shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to abate the public nuisance or violation or to seek compensation for damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

Section 17. Cost Recovery - Pursuant to California Health and Safety Code sections 11374.5(b)(1), 13009 et seq., 13916(a), 25259.4, 25514, 25515(a), 25540(a), 25541(a), California Government Code sections 53150, 53151, 53152, 53159(a) & (b), California Vehicle Code section 23112.7, and all other provisions of law, all costs incurred by the Authority for the inspection and enforcement of any provision of the Authority Codes, 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 the Authority Codes 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 Authority pursuant to a schedule of fees adopted by the Authority. Any expense incurred by this Authority for such an emergency response 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 18. Severability - If any section, subsection, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of this Ordinance shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section,

subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

Section 19. Date Of Effect - This Ordinance shall take effect and be in force thirty (30) days after its final passage at a public meeting as required by law. First read at a regular meeting of the Board of Directors of the Authority, held on the 6th day of December, 2021, and finally adopted in the manner required by law at the meeting on the 1st day of February, 2022, by the following vote:

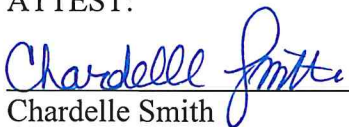
PASSED, APPROVED, AND ADOPTED this 1st day of February, 2022.

AYES: Herrick, Lee, Mote, Oxandaboure, Putz, Russo, Walsh, and Ziegler
NOES: None
ABSENT: Melnick and Green
ABSTAIN: None

2/7/2022
Date


Rick Herrick
Acting Board Chair
Big Bear Fire Authority

ATTEST:

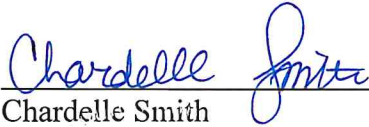

Chardelle Smith
Board Secretary
Big Bear Fire Authority

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

I, Chardelle Smith, 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. BBFA2021-002 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 1st day of February, 2022, and that the same was so passed and adopted by the following vote:

AYES:	Herrick, Lee, Mote, Oxandaboure, Putz, Russo, Walsh, and Ziegler
NOES:	None
ABSENT:	Melnick and Green
ABSTAIN:	None

Witness my hand and the official seal of said Authority this 1st day of February, 2022.



Chardelle Smith
Board Secretary
Big Bear Fire Authority