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Ordinance no.

An ordinance of the County of San Bernardino, State of California, repealing Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18 and 19 of Division 3 of Title 6 of the San Bernardino County Code, and adding Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18, 19, 20, and 21 to Division 3 of Title 6 of the San Bernardino County Code, relating to adoption of the codes set forth in the 2019 California Building Standards Code and adoption of the 2018 International Property Maintenance Code and the 2018 International Swimming Pool And Spa Code.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Board of Supervisors (Board) of the County of San Bernardino finds as follows: The purpose of this ordinance is to repeal current chapters of Division 3 of Title 6 of the County Code, which adopt by reference certain codes set forth in the 2016 California Building Standards Code, and to adopt by reference updated versions of these codes set forth in the 2019 California Building Standards Code (Title 24 of the California Code of Regulations). The purpose of this ordinance is also to adopt the 2018 International Property Maintenance Code and the 2018 International Swimming Pool and Spa Code. Only those appendices expressly adopted by reference are adopted by the County pursuant to this ordinance. The Board finds that the adoption of amendments to some of these codes is necessary due to local climatic, geological, or topographical conditions. Adoption of such codes provides minimum requirements and standards for the protection of the public safety, health, property, and welfare in the County of San Bernardino. This ordinance is adopted under the authority of Government Code section 50022.2 and Health and Safety Code sections 17958.7 and 18941.5 and is exempt from the California Environmental Quality Act (CEQA) in that, pursuant to CEQA Guidelines section 15061(b)(3), there is no possibility that the ordinance may have a significant effect on the environment.

SECTION 2. Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18, and 19 of Division 3 of Title 6 of the San Bernardino County Code are repealed.

SECTION 3. Chapter 1 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 1: CALIFORNIA BUILDING CODE

Sections:

63.0101 Adoption of California Building Code.

63.0102 Adoption of Code Appendices.

63.0103 Changes in the Appendices.

63.0104 Relocation Permits.

63.0105 Appeals Boards.

63.0101 Adoption of California Building Code.

A copy of the 2018 Edition of the International Building Code, volumes 1 and 2, prepared and published by the International Code Council, with state amendments, also known as the 2019 California Building Code, contained in Part 2 of Title 24 of the California Code of Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Building Code for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 1.

63.0102 Adoption of Code Appendices.

Appendices C "Group U - Agricultural Buildings," Appendix I - "Patio Covers," and Appendix J - "Grading," of the 2019 California Building Code are hereby adopted by reference.

63.0103 Changes in the Appendices.

(a) Appendix J - "Grading" is hereby amended by adding exemption 8 to

Section J103.2 entitled "Exemptions" to read:

8. The sum of the total excavation and fill not exceeding 100 cubic yards.

63.0104 Relocation Permits.

(a) *Relocation Building Permit Required.* A person shall not move onto any premises, other than a commercial storage yard authorized for such use, any building or structure, except a contractor's tool shed, storage building or similar structure which is moved as construction requires, until he or she first secures a relocation building permit as hereinafter provided.

(b) *Application.* Applicants for relocation permits shall submit photographs of at least two separate elevations, one of which shall be the front, and a certificate from a pest control agency or operator licensed under the Structural Pest Control Act of California, showing freedom from termite infestation, for each building or structure to be moved, when application for a relocation permit is filed.

(c) *Structural Observation Report Fee.* The applicants for relocation permits shall pay a structural observation report fee at the time of submittal. The fee shall be in accordance with Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code (Schedule of Fees).

(d) *Building and Relocation Site Inspection Report.* Upon receipt of an application for permit to relocate a building or structure, a detailed structural observation report by a civil or structural engineer, or an architect licensed by the State of California to practice as such, shall be submitted. The report shall describe any structural deficiencies and all non-structural code-related deficiencies and be stamped and signed by the reporting engineer or architect. This report shall be approved or disapproved by the building official. If approved for moving, the report shall contain the requirements necessary to make the building or structure comply with Chapter 14 of the 2019 California Existing Building Code and any additional requirements necessary to assure that such relocation shall not have detrimental effect by size, design, or age on the living

environment and property values in the area into which the building or structure is to be moved.

(e) *Report Validity.* Additional corrections may be added to the report whenever the structure has been vandalized, damaged during transportation, or altered in any manner after the structural observation report has been submitted for review.

(f) *Changes.* The applicant shall make all required changes within 180 days and shall agree in writing to do so. This time limitation may be extended by the building official upon receipt of evidence of just and proper cause; provided, however, that no such extension shall be granted when, in his or her judgment, such an extension would be detrimental to the public welfare for any cause or reason.

(g) *Declaration of Public Nuisance.* When any relocated building or structure or portion thereof remains unfinished or unfit for occupancy after expiration of the time limit herein specified, any and all permits pertaining thereto shall expire by limitation and such building or structure or portion thereof is hereby declared a public nuisance and shall be abated as authorized by the County Code and as provided by law.

63.0105 Appeals Boards.

(a) *Building and Safety Appeals Board.* In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the California Building Code and its amendments, the County Code and the building requirements of the County, or other applicable law, the Building and Safety Appeals Board is hereby established pursuant to Section 1.8.8 of the California Building Code, as adopted herein.

(1) *Membership.* The Building and Safety Appeals Board shall include five regular members and three alternate members. Members shall be appointed at large. No County employees shall be members of this board. All members - regular and alternate - must have knowledge, experience and training to review and reach decisions on matters pertaining to building construction and applicable building codes, regulations, and ordinances. Members shall serve a term of four years. In addition to the board

1 members and the alternate members, the Building Official shall be an ex-officio member
2 and shall act as secretary to the board. The members of the appeals board shall be
3 appointed by the Board of Supervisors and shall hold office at its pleasure. Terms of
4 office shall be staggered. Three of the initial appointments for regular members and one
5 of the initial appointments for alternate members to the board shall be for two-year terms.
6 A member whose term has expired shall continue to serve in that capacity until a new
7 appointment is made by the Board of Supervisors. Upon recommendation of the County
8 Chief Executive Officer or his/her designee, members may be removed by a majority vote
9 of the Board of Supervisors.

10 (2) *Meetings.* A quorum shall be a meeting of at least three members.
11 Alternate members may sit on the board in the absence of any regular members and shall
12 be counted towards the quorum of three if there is an insufficient number of regular
13 members available. A regular meeting shall be held at least once annually at a date and
14 time established by a resolution of the Board of Supervisors. Rules for notice and conduct
15 of the Building Appeals Board meetings, including without limitation all regular, adjourned
16 regular and special meetings, shall be pursuant to the terms of this section and shall be
17 in accordance with the provisions of the Ralph M. Brown Act (Government Code section
18 54950 et seq.). The members shall be reimbursed as provided by County Code section
19 13.0618(b).

20 (3) *Responsibilities and Authority.* The board shall conduct hearings on
21 appeals of orders, decisions, and determinations made by the Building Official relative to
22 the applications and interpretation of the California Building Code, and other regulations
23 governing the use, maintenance, and change of occupancy. The board shall have no
24 authority to waive requirements of the Building Code or the County Code. All decisions
25 of the board shall be rendered in writing. The board shall meet as necessary in order to
26 abide by the scheduling provisions of County Code section 63.0105(c)(4). An application
27 for appeal shall be based on a claim that the Building Code, as adopted herein, or the
28 County Code, or the rules legally adopted thereunder, have been incorrectly interpreted,

or do not fully apply, or that an equally good or better form of construction is proposed. The board shall also function as the “local appeals board” and the “housing appeals board” specified in the California Health and Safety Code sections 17920.5 and 17920.6.

(b) *Physically Disabled Access Appeals Board.* For the purpose of considering written appeals to the actions taken by the Building Official in the exercise of its or his/her responsibility and authority as specified herein and to ratify certain exemption actions of the Building Official in enforcing the accessibility requirements of Title 24 of the California Code of Regulations for privately funded construction, and to serve as an advisor to the Building Official on disabled access matters, there is hereby established the Physically Disabled Access Appeals Board.

(1) *Membership.* The Physically Disabled Access Appeals Board shall consist of five regular members as follows: a minimum of two physically disabled members; two members experienced in the professions or disciplines of construction; and one member of the public. The Building Official shall be an ex officio member and shall act as secretary to the board. The two members experienced in the professions or disciplines of construction shall be regular or alternate board members from the Building and Safety Appeals Board, and shall be so designated by majority vote of that board. The two physically disabled members and the one public member may, but are not required to be, members of the Building and Safety Appeals Board. The Physically Disabled Access Appeals Board shall also have a panel of three alternate members. Said alternate panel must consist of one physically disabled member, one member experienced in the professions or disciplines of construction as designated by the Building and Safety Appeals Board, and one member of the public. A regular member may only be substituted by an alternate member of the same classification. The members of the Physically Disabled Access Appeals Board shall be appointed by the Board of Supervisors and shall hold office at its pleasure. Terms of office shall be for four years, and for members appointed to both the Building and Safety Appeals Board and the Physically Disabled Access Appeals Board said terms shall be served concurrently. However, as to one of

1 the initial appointments for an individual with a disability, the initial appointment shall be
2 for two years to allow for the terms of office to be staggered. A member whose term has
3 expired shall continue to serve in that capacity until a new appointment is made by the
4 Board of Supervisors. Upon recommendation of the County Chief Executive Officer or
5 his/her designee, members may be removed by majority vote of the Board of Supervisors.

6 (2) *Meetings.* All meetings of the board, including without limitation,
7 regular, adjourned regular and special meetings, shall be conducted pursuant to the terms
8 of this section and called, noticed, held and conducted in accordance with the provisions
9 of the Ralph M. Brown Act (Government Code section 54950 et seq.). The members
10 shall be reimbursed as provided by County Code section 13.0618(b).

11 (3) *Responsibilities and Authority.* The board shall serve as the “local
12 appeals board” specified in Section 19957.5 of the California Health and Safety Code in
13 appeals relating to accommodations for the physically disabled. The authority of the
14 board shall consist of the conducting of appeals for the purpose limited to that expressed
15 in California Health and Safety Code sections 19955 through 19959. All decisions of the
16 board shall be rendered in writing.

17 (c) *Appeal.*

18 (1) *Timing and Form of Appeal.* The Building Official shall have the right
19 to appeal to the Board of Appeals, provided that a written application for appeal is filed
20 within 20 days after the decision, determination, or notice and order was served. An
21 application for appeal shall be based on a claim that the true intent of the applicable code
22 or rules legally adopted thereunder have been incorrectly interpreted, or that the
23 provisions of the applicable code or rules legally adopted thereunder do not fully apply or
24 that the requirements of the applicable code or the rules legally adopted thereunder are
25 adequately satisfied by other means. The appeal shall be made in writing and filed along
26 with the appeal fee with the appropriate County office. The written appeal shall contain:

27 (A) A heading containing the words “Before the Building and
28 Safety Appeals Board of the County of San Bernardino” or “Before the Physically Disabled

Access Appeals Board of the County of San Bernardino,” whichever is applicable.

(B) A caption reading: “Appeal of ... ” giving the names of all appellants participating in the appeal;

(C) A brief statement setting forth the legal interest of each of the appellants;

(D) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

(E) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside;

(F) The signatures of all parties named as appellants and their official mailing addresses; and

(G) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

(2) *Processing of Appeal.* Upon receipt of any appeal and the applicable fee filed pursuant to this section, the Building Official shall present it at the next regular or special meeting of the appeals board.

(3) *Limitation to Appeal.* Limit of one appeal hearing per property or parcel relative to the same notice and order or action of the Building Official may be heard by an appeals board. If appellants consist of both property owners and any interested parties of record, appellants must jointly file an appeal, and the appeal hearing must be conducted jointly amongst all appellants.

(4) *Scheduling and Noticing of Appeal Hearing.* As soon as practicable after receiving the written appeal and appeal fee, the Appeals Board shall fix a date, time, and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the Building Official, subject to any stay pending a decision to grant or deny an appeal fee hardship waiver

1 request. Written notice of the time and place of the hearing shall be given at least 10
2 days prior to the date of the hearing to each appellant and any interested parties of record
3 discovered through reasonable diligence, through either personal service or first class
4 mail, each appellant at the address shown on the appeal, and to the interested party of
5 record at the party's last known address. Notice by mail shall be deemed effective on the
6 date of deposit.

7 (5) *Open Hearing.* Hearings before the board shall be open to the
8 public. The appellant, the appellant's representative, the Code Official and any person
9 whose interests are affected shall be given an opportunity to be heard.

10 (6) *Waiver of Appeal Fee for Financial Hardship.* Any appellant who is
11 financially unable to pay the required appeal fee may file a written request for an appeal
12 fee hardship waiver. The written request must be filed prior to or contemporaneous with
13 the filing of the appeal. The written request shall be filed with the Building Official. The
14 appellant requesting the appeal fee hardship waiver shall indicate on the written appeal
15 that an appeal fee hardship waiver request has been filed.

16 (7) *Appeal Fee Hardship Waiver Evaluation Procedures.* Hardship
17 waivers shall be granted pursuant to County Code section 16.0231 or other applicable
18 authority in the County Code or law. Requests will only be considered if the appellant
19 requesting the waiver submits a sworn affidavit, together with any supporting documents
20 or materials, reasonably demonstrating the appellant's actual financial inability to submit
21 the appeal fee. A written decision to grant or deny the request shall be made not less
22 than 10 days nor more than 60 days after submission of the request. If the request is
23 denied, the written decision shall explain the reason for denial and shall state the due
24 date - not less than 10 days nor more than 60 days from the date of the decision - for
25 payment of the appeal fee. The written decision shall be sent via first class mail to the
26 appellant and shall be final. An appeal hearing shall not be scheduled until the appeal
27 fee is received. If the request is denied and the appeal fee is not remitted within the time
28 indicated in the written decision, the right to an appeal shall be deemed waived and the

1 notice and order or the action of the Building Official shall become final.

2 (8) *Effect of Failure to Appeal.* Failure of any person or entity to file an
3 appeal in accordance with the provisions of Section 63.0105(c)(1) shall constitute a
4 waiver of the right to an appeal hearing and the Building Official or the Code Official's
5 notice and order or action shall become final.

6 (9) *Scope of Hearing on Appeal.* Only those matters or issues
7 specifically raised by the appellant shall be considered in the hearing of the appeal.

8 (10) *Stay Pending Appeal.* Except for vacation orders issued by the
9 Building Official because of conditions that represent an immediate threat to life, limb,
10 property, or safety of the public or adjacent properties, enforcement of any notice and
11 order of the Building Official shall be stayed during the pendency of an appeal therefrom
12 which is properly and timely filed.

13 (11) *Hearing and Decision.* The decision of the appeals board shall be
14 final; there is no further administrative appeal.

15 (d) *Procedures for Conduct of Hearing of Appeals.*

16 (1) *Hearing Examiners.* The board may designate one or more of its
17 members to serve as a hearing examiner to conduct the hearing of an appeal to the
18 Building and Safety Appeal Board. The examiner hearing the case shall exercise all
19 powers relating to the conduct of hearings until it is submitted to the Building and Safety
20 Appeals Board for decision. Decisions and actions of the Building Official regarding the
21 enforcement of the requirements of Health and Safety Code sections 19955 through
22 19959 shall be appealed to the Physically Disabled Access Appeals Board. Appeals to
23 the Physically Disabled Access Appeals Board must be heard in front of that board as a
24 whole.

25 (2) *Record.* A record of the entire proceedings shall be made by tape
26 recording or by any other means of tangible recording determined to be appropriate by
27 the board. A transcript of the recording will be made available to any party that requests
28 a transcript in writing accompanied with the transcription fee established by the County

1 Fee Ordinance. If no transcription fee has been established by the County Fee
2 Ordinance, then the fee shall be the full actual cost of transcribing the requested
3 recordings into print form as established by a transcription service, and shall be paid prior
4 to transcription services being rendered.

5 (3) *Continuances and Postponements.* The board may grant a
6 continuance for good cause shown. If a hearing examiner has been assigned to a
7 hearing, the examiner may grant a continuance for good cause shown so long as the
8 matter remains before the examiner.

9 (4) *Oaths—Certification.* In any proceedings under this chapter, the
10 board, any board member, or the hearing examiner has the power to administer oaths
11 and affirmations and to certify official acts.

12 (5) *Reasonable Dispatch.* The board and its representatives shall
13 proceed with reasonable dispatch to conclude any matter before it. Due regard shall be
14 shown for the convenience and necessity of any parties and/or their representatives.

15 (6) *Form of Notice of Hearing.* The notice to appellant shall be
16 substantially in the following form, but may include other information:

17 “You are hereby notified that a hearing will be held before (the Board of
18 Appeals or name of hearing examiner) at _____ on the day ____ of
19 _____, 20____, at the hour of _____. You may be present at the hearing.
20 The hearing will proceed as noticed in absentia if you elect not to be present.
21 You may be, but need not be, represented by counsel, even if you elect not
22 to be present. You may present any relevant evidence and will be given full
23 opportunity to cross-examine all witnesses testifying against you. You may
24 request the issuance of subpoenas to compel the attendance of witnesses
25 and the production of books, documents, or other things by filing an affidavit
26 therefore with (Board of Appeals or name of hearing examiner).”

27 (7) *Subpoenas.*

28 (A) *Filing of Affidavit.* A subpoena may be issued for the

1 attendance of witnesses or the production of other evidence at a hearing upon the request
2 of a member of the board or a hearing examiner, or upon the written demand of any party.
3 The subpoena must be accompanied by an affidavit that states the name and address of
4 the proposed witness and/or specifies the exact things sought to be produced and the
5 materiality thereof, and states that the witness has the desired things in possession or
6 under control. A subpoena need not be issued when the affidavit is defective.

7 (B) *Cases Referred to Hearing Examiner.* In cases where a
8 hearing is referred to an examiner, all subpoenas shall be obtained through the examiner.

9 (C) *Penalties.* Any person who refuses without lawful excuse to
10 attend any hearing or produce material evidence which the person possesses or controls,
11 as required by any subpoena served upon such person as provided herein, shall be guilty
12 of a misdemeanor.

13 (8) *Conduct of Hearing.*

14 (A) *Rules.* Hearings need not be conducted according to the
15 technical rules of evidence. The following rules shall apply:

16 (I) *Oral Evidence.* Oral evidence shall be taken only on
17 oath or affirmation.

18 (II) *Hearsay Evidence.* Hearsay evidence may be used for
19 the purpose of supplementing or explaining any direct evidence, but shall not be sufficient
20 in itself to support a finding unless it would be admissible over objection in civil actions in
21 a court of competent jurisdiction in this state.

22 (III) *Admissibility of Evidence.* Any relevant evidence shall
23 be admitted if it is the type of evidence that responsible persons are accustomed to relying
24 on in the conduct of serious affairs, regardless of the existence of any common law or
25 statutory rule which might make improper the admission of such evidence over objection
26 in civil actions in courts of competent jurisdiction in this state.

27 (IV) *Exclusion of Evidence.* Irrelevant and unduly
28 repetitious evidence shall be excluded.

1 (B) *Rights of Parties.* Each party shall have these rights, among
2 others:

3 (I) To call and examine witnesses on any matter; relevant
4 to the issues of hearing;

5 (II) To introduce documentary and physical evidence;

6 (III) To cross-examine opposing witnesses on any matter
7 relevant to the issues of the hearing;

8 (IV) To impeach any witness regardless of which party first
9 called the witness to testify;

10 (V) To rebut evidence; and

11 (VI) To be represented by anyone who is lawfully permitted
12 to do so.

13 (9) *Official Notice.*

14 (A) *What may be noticed.* The appeals board or hearing
15 examiner may take official notice of any matter that may be judicially noticed by the courts
16 of this state or any official records of the County or any department and ordinances of the
17 County or rules and regulations of the County.

18 (B) *Parties to be notified.* Parties present at the hearing shall be
19 informed of the matters to be noticed, and these matters shall be noted in the record,
20 referred to therein, or appended thereto.

21 (C) *Opportunity to refute.* Parties present at the hearing shall be
22 given a reasonable opportunity, upon the request of a party, to refute any officially noticed
23 matters with the manner of such refutation to be determined by the board or hearing
24 examiner.

25 (10) *Inspection of the premises.* The board or the hearing examiner may
26 inspect any building or premises involved in the appeal during the course of the hearing,
27 provided that:

28 (A) Notice of such inspection shall be given to the parties before

1 the inspection is made;

2 (B) The parties are given an opportunity to be present during the
3 inspection; and

4 (C) The board or the hearing examiner shall state for the record
5 upon completion of the inspection, the material facts observed and the conclusions drawn
6 therefrom. Each party then shall have a right to rebut or explain the matters so stated by
7 the board or hearing examiner.

8 (11) *Method and Form of Decision.*

9 (A) *Hearing before the Board itself.* When the board hears an
10 appeal, a member thereof who did not hear the evidence or has not read the entire record
11 of the proceedings shall not vote on or take part in the decision.

12 (B) *Hearing before the Examiner.* If a contested case is heard by
13 a hearing examiner alone, the examiner shall within a reasonable time (not to exceed 90
14 days from the date the hearing is closed) submit a written report to the board. Such report
15 shall contain a brief summary of the evidence considered and state the examiner's
16 findings, conclusions and recommendations. The report also shall contain a proposed
17 decision in such a form that it may be adopted by the board as its decision in the case.
18 The examiner's report filed with the board shall be a public record. A copy of the report
19 shall be mailed to each party on the date it is filed with the board.

20 (C) *Consideration of Report by Board — Notice.* The board shall
21 fix the time, date, and place to consider the examiner's report. Notice thereof shall be
22 mailed to each interested party not less than five days prior to the date fixed, unless it is
23 otherwise stipulated by all of the parties.

24 (D) *Exceptions to Report.* Not later than two days before the date
25 set to consider the report, any party may file written exceptions to any part or all of the
26 examiner's report and may attach thereto a proposed decision together with written
27 argument in support of such decision. By leave of the board, any party may present oral
28 argument to the board.

1 (E) *Disposition by the board.* By a concurring vote of the majority
2 of the total number board members who heard the appeal, the Board may adopt or reject
3 the proposed decision in its entirety, or may modify the proposed decision.

4 (F) *Proposed Decision Not Adopted.* If the proposed decision is
5 not adopted, the board may decide the case upon the entire record before it, with or
6 without taking additional evidence, or may refer the case to the same or another hearing
7 examiner to take additional evidence. If the case is reassigned to a hearing examiner,
8 the examiner shall prepare a report and proposed decision as provided in subdivision
9 (11)(B) hereof after any additional evidence is submitted. Consideration of such proposed
10 decision by the board shall comply with the provisions of this section.

11 (G) *Form of Decision.* The decision shall be in writing and shall
12 contain findings of fact and a determination of the issues presented. The decision shall
13 be recorded with the County Recorder's Office. A copy of the decision shall be delivered
14 to the appellant(s) personally or sent by certified mail, postage prepaid, return receipt
15 requested, and a copy of the decision shall be sent to any interested parties of record
16 discovered through reasonable diligence, by certified mail, postage prepaid, return receipt
17 requested.

18 (H) *Effective Date of Decision.* The effective date of the decision
19 shall be the date the decision is served upon the parties, including the date of deposit if
20 service is by mail, or otherwise as stated therein.

21 (I) *Administration.* Unless there are exigent circumstances
22 justifying immediate abatement action, upon expiration of the court review process, the
23 Building Official shall take action in accordance with the decision of the board or judge
24 reviewing the board's decision.

25 (e) *Court Review.* Any person, whether or not a previous party of the appeal,
26 shall have the right to apply to the appropriate court for a writ of certiorari to correct errors
27 of the law. Application for review shall be made in the manner and time required by law.
28

SECTION 4. Chapter 1.5 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 1.5: CALIFORNIA RESIDENTIAL CODE

Sections:

63.0151 Adoption of California Residential Code.

63.0152 Adoption of Code Appendices.

63.0151 Adoption of California Residential Code.

A copy of the International Residential Code, 2018 Edition, prepared and published by the International Code Council, with state amendments, also known as the 2019 California Residential Code, contained in Part 2.5 of Title 24 of the California Code of Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of San Bernardino County, is hereby designated and adopted by reference as the Residential Code for the unincorporated areas of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 1.5.

63.0152 Adoption of Code Appendices.

Appendix H - "Patio Covers" and Appendix V - "Swimming Pool Safety Act" of the 2019 California Residential Code are hereby adopted by reference.

SECTION 5. Chapter 2 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 2: CALIFORNIA ELECTRICAL CODE

Sections:

63.0201 Adoption of California Electrical Code.

63.0202 Adoption of Code Annexes.

63.0201 Adoption of California Electrical Code.

A copy of the National Electrical Code, 2017 Edition, prepared and published by the National Fire Protection Association, with state amendments, also known as the 2019

California Electrical Code, contained in Part 3 of Title 24 of the California Code of Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of San Bernardino County, is hereby designated and adopted by reference as the Electrical Code for the unincorporated areas of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 2.

63.0202 Adoption of Code Annexes.

Annexes A, B, C, D, E, F, G, H, and I of the 2019 California Electrical Code are hereby adopted by reference.

SECTION 6. Chapter 3 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 3: CALIFORNIA PLUMBING CODE

Sections:

- 63.0301 Adoption of California Plumbing Code.
- 63.0302 Express Findings.
- 63.0303 Changes in the Code.
- 63.0304 Adoption of Code Appendices.
- 63.0305 Changes in the Appendices.

63.0301 Adoption of California Plumbing Code.

A copy of the Uniform Plumbing Code 2018 Edition, prepared and published by the International Association of Plumbing and Mechanical Officials, with State amendments, also known as the 2019 California Plumbing Code, contained in Part 5 of Title 24 of the California Code of Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Plumbing Code for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 3.

63.0302 Express Findings.

It is expressly found and determined that the modification to the 2019 California Plumbing Code adopted in Section 63.0301 and its appendices adopted in Section 63.0304 are reasonably necessary because of local climatic, geological, and topographical conditions existing in the County which are more specifically described as follows:

(a) The buildup of nitrate in groundwater poses a threat to public health and is one of the potentially significant long-term consequences of on-site sewage disposal practices; and on-site private sewage disposal systems contribute to the discharge of nitrates and other pollutants into the groundwater table within the planning areas for the spheres of influence of the Cities of Chino and Montclair; and the failure of private sewage disposal systems is a threat to the health of the public; and the orderly development of these areas is promoted by requiring development to connect to public sewers in order to obtain the maximum benefit from existing infrastructure.

(b) The mountain areas of the County are generally unsuitable for the installation of private sewage disposal system seepage pits due to thin soils over bedrock, steep slopes and/or locally high groundwater.

(c) Geologic conditions within the County make increasing the minimum separation between a well and a septic tank from 50 feet to 100 feet reasonably necessary for the protection of water quality in water supply wells. Soils are generally sufficiently porous so that should a septic tank have structural failure due to corrosion, earthquake damage, or by other means, 50 feet does not provide sufficient separation to prevent contamination of nearby wells from the leaking contents.

(d) Geologic conditions within the County make increasing the minimum separation between a well and a soil absorption portion of a sewage disposal system discharging 5,000 gallons per day or more from 100 feet to 200 feet reasonably necessary for the protection of water quality in water supply wells. Local soils are generally porous so that where large volumes of sewage effluent are discharged closer than 200 feet, the

cone of depression created by pumping a well may intercept significant amounts of sewage effluent, thereby contaminating the water produced by the well.

(e) Geologic conditions within the County in the vicinities of the Colorado and Mojave Rivers make increasing the minimum separation from the soil absorption portion of a sewage disposal system from 100 feet to 200 feet reasonably necessary to protect the beneficial uses of these rivers as drinking water supplies. Both rivers flow through highly porous material and both rivers either directly or by nearby wells provide the primary sources of drinking water to residents and communities along their courses.

63.0303 Changes in the Code.

The following changes are hereby made to the 2019 California Plumbing Code, as adopted herein.

Section 713.3 is amended by adding the following sentence at the end of that section to read as follows:

Within the sphere of influence boundaries for the Cities of Chino and Montclair as adopted by the Local Agency Formation Commission for the County of San Bernardino, the installation of building sewers shall connect to a public sewer.

63.0304 Adoption of Code Appendices

Appendices A, B, D, G, H and I of the 2019 California Plumbing Code are hereby adopted by reference.

63.0305 Changes in the Appendices

(a) Table H – 101.8 of Appendix H is amended in its entirety to read as follows:

**TABLE H-101.8
LOCATION OF SEWAGE DISPOSAL SYSTEM**

MINIMUM HORIZONTAL DISTANCE IN CLEAR REQUIRED FROM	BUILDING SEWER	SEPTIC TANK	DISPOSAL FIELD	SEEPAGE PIT OR CESSPOOL
Building or structures ¹	2 feet (610 mm)	5 feet (1,524 mm)	8 feet (2,438 mm)	8 feet (2,438 mm)
Property line adjoining private property	Clear ²	5 feet (1,524 mm)	5 feet (1,524 mm)	8 feet (2,438 mm)
Water supply wells	50 feet ³ (15,240 mm)	100 feet (30.5 m)	100 feet ⁹ (30.5 m)	150 feet (45.7 m)
Streams and other bodies of water	50 feet (15,240 mm)	50 feet (15,240 mm)	100 ^{7, 10} feet (30.5 m)	150 ⁷ feet (45.7 m)

Trees		10 feet (3,048 mm)		10 feet (3,048 mm)
Seepage pits or cesspools ⁸		5 feet (1,524 mm)	5 feet (1,524 mm)	12 feet (3,658 mm)
Disposal field ⁸		5 feet (1,524 mm)	4 feet ⁴ (1,524 mm)	5 feet (1,524 mm)
On-site domestic water service line	1 foot ⁵ (305 mm)	5 feet (1,524 mm)	5 feet (1,524 mm)	5 feet (1,524 mm)
Distribution box			5 feet (1,524 mm)	5 feet (1,524 mm)
Pressure public water main	10 feet ⁶ (3,048 mm)	10 feet (3,048 mm)	10 feet (3,048 mm)	10 feet (3,048 mm)

NOTE:

When disposal fields and/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be 15 feet (4,572 mm).

1. Including porches and steps, whether covered or uncovered, breezeways, roofed porte cochers, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.
2. See also Section 312.3 of the California Plumbing Code.
3. All drainage piping shall clear domestic water supply wells by not less than fifty (50) feet (15,240 mm). This distance may be reduced to not less than 25 feet (7,620 mm) when the drainage piping is constructed of materials approved for use within a building.
4. Plus two feet (610 mm) for each additional one foot (305 mm) of depth in excess of one foot (305 mm) below the bottom of the drain line. (See also Section H 601.0).
5. See section 720.0 of the California Plumbing Code.
6. For parallel construction. For crossings, approval by the Health Department shall be required.
7. These minimum clear horizontal distances shall also apply between disposal fields, seepage pits, and the mean high-tide line.
8. Where disposal fields, seepage pits, or both are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and the ground surface shall be 15 feet (4572 mm).
9. Sewage disposal systems discharging 5,000 gallons per day or more shall be separated from water supply wells by a minimum of 200 feet (61 m).
10. In the vicinities of the Colorado and Mojave Rivers, sewage disposal systems shall be separated from streams and other bodies of water by a minimum of 200 feet (61 m).

SECTION 7. Chapter 4 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 4: CALIFORNIA MECHANICAL CODE

Sections:

63.0401 Adoption of California Mechanical Code.

63.0402 Adoption of Code Appendices.

63.0401. Adoption of California Mechanical Code.

A copy of the 2018 Edition of the Uniform Mechanical Code, prepared and published by the International Association of Plumbing and Mechanical Officials, with state amendments, also known as the 2019 California Mechanical Code, contained in

Part 4 of Title 24 of the California Code of Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Mechanical Code for the unincorporated areas of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 4.

63.0402 Adoption of Code Appendices.

Appendices B, C, D and F of the 2019 California Mechanical Code are hereby adopted by reference.

SECTION 8. Chapter 5 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 5: CALIFORNIA ENERGY CODE

Sections:

63.0501 Adoption of California Energy Code.

63.0501 Adoption of California Energy Code.

A copy of the 2019 California Energy Code, contained in Part 6 of Title 24 of the California Code of Regulations, prepared and published by the California Building Standards Commission, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Energy Code for the design and installation of energy systems for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 5.

SECTION 9. Chapter 13 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 13: CALIFORNIA HISTORICAL BUILDING CODE

Sections:

1 63.1301 Adoption of California Historical Building Code.

2 63.1302 Adoption of Code Appendix.

3 **63.1301 Adoption of California Historical Building Code.**

4 A copy of the 2019 California Historical Building Code, contained in Part 8 of Title
5 24 of the California Code of Regulations, prepared and published by the California
6 Building Standards Commission, having been filed in the Office of the Clerk of the Board
7 of Supervisors of the County of San Bernardino, is hereby designated and adopted by
8 reference as the Historical Building Code for the unincorporated area of the County of
9 San Bernardino, State of California, subject to those amendments and limitations adopted
10 by the County of San Bernardino set forth in Chapter 13.

11 **63.1302 Adoption of Code Appendix.**

12 Appendix A of the 2019 California Historical Building Code is hereby adopted by
13 reference.

14

15 SECTION 10. Chapter 14 is added to Division 3 of Title 6 of the San Bernardino
16 County Code, to read:

17 **CHAPTER 14: CALIFORNIA EXISTING BUILDING CODE**

18 **Sections:**

19 63.1401 Adoption of California Existing Building Code.

20 63.1402 Adoption of Code Appendix.

21 **63.1401 Adoption of California Existing Building Code.**

22 A copy of the International Existing Building Code, 2018 Edition, prepared and
23 published by the International Code Council, with state amendments, also known as the
24 2019 California Existing Building Code, contained in Part 10 of Title 24 of the California
25 Code of Regulations, having been filed in the Office of the Clerk of the Board of
26 Supervisors of the County of San Bernardino, is hereby designated and adopted by
27 reference as the Existing Building Code for the unincorporated area of the County of San
28 Bernardino, State of California, subject to those amendments and limitations adopted by

the County of San Bernardino set forth in Chapter 14.

63.1402 Adoption of Code Appendix.

Appendix A, Chapter A1 “Seismic Strengthening Provisions For Unreinforced Masonry Bearing Wall Buildings” of the 2019 California Existing Building Code is hereby adopted by reference.

SECTION 11. Chapter 15 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 15: CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

63.1501 Adoption of California Green Building Standards Code.

63.1501 Adoption of California Green Building Standards Code.

A copy of the 2019 California Green Building Standards Code, contained in Chapters 1-8 of Part 11 of Title 24 of the California Code of Regulations, prepared and published by the California Building Standards Commission, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Green Building Standards Code for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 15.

SECTION 12. Chapter 18 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 18: INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

63.1801 Adoption of International Property Maintenance Code.

63.1801 Adoption of International Property Maintenance Code.

A copy of the 2018 International Property Maintenance Code, prepared and

published by the International Code Council, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the International Property Maintenance Code for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 18.

SECTION 13. Chapter 19 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 19: CALIFORNIA ADMINISTRATIVE CODE

Sections:

63.1901 Adoption of California Administrative Code.

63.1901 Adoption of California Administrative Code.

A copy of the 2019 California Administrative Code, contained in Part 1 of Title 24 of the California Code of Regulations, prepared and published by the California Building Standards Commission, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Administrative Code for the unincorporated area of the County of San Bernardino, State of California, subject to those amendments and limitations adopted by the County of San Bernardino set forth in Chapter 19.

SECTION 14. Chapter 20 is added to Division 3 of Title 6 of the San Bernardino County Code, to read:

CHAPTER 20: CALIFORNIA REFERENCED STANDARDS CODE

Sections:

63.2001 Adoption of California Referenced Standards Code.

63.2001 Adoption of California Referenced Standards Code.

A copy of the 2019 California Referenced Standards Code, contained in Part 12 of

1 Title 24 of the California Code of Regulations, prepared and published by the California
2 Building Standards Commission, having been filed in the Office of the Clerk of the Board
3 of Supervisors of the County of San Bernardino, is hereby designated and adopted by
4 reference as the Referenced Standards Code for the unincorporated area of the County
5 of San Bernardino, State of California, subject to those amendments and limitations
6 adopted by the County of San Bernardino set forth in Chapter 20.

7
8 SECTION 15. Chapter 21 is added to Division 3 of Title 6 of the San Bernardino
9 County Code, to read:

10 **CHAPTER 21: INTERNATIONAL SWIMMING POOL AND SPA CODE**

11 **Sections:**

12 63.2101 Adoption of the International Swimming Pool and Spa Code.

13 63.2102 Changes in the Code.

14 **63.2101 Adoption of International Swimming Pool and Spa Code.**

15 A copy of the 2018 International Swimming Pool and Spa Code, prepared and
16 published by the International Code Council, having been filed in the Office of the Clerk
17 of the Board of Supervisors of the County of San Bernardino, is hereby designated and
18 adopted by reference as the Swimming Pool and Spa Code for the unincorporated area
19 of the County of San Bernardino, State of California, subject to those amendments and
20 limitations adopted by the County of San Bernardino set forth in Chapter 21.

21 **63.2102 Changes in the Code.**

22 The following changes are hereby made to the 2018 International Swimming Pool and
23 Spa Code, as adopted herein. Chapter 1 through 3 and Chapter 7 through 11 of the 2018
24 International Swimming Pool and Spa Code is adopted by reference as the Swimming
25 Pool and Spa Code for the unincorporated area of the County of San Bernardino, State
26 of California and is hereby amended, deleted or added to as follows:

27 **Amend Section 101.1 as follows:**

28 101.1 Title. These regulations shall be known as the International Swimming Pool

1 and Spa Code for the unincorporated area of the County of San Bernardino, State of
2 California, hereinafter referred to as “this code.”

3
4 **Delete Sections 101.2 through 102.10 of Part 1-Scope and Application.**

5
6 **Amend Section 103.1 as follows:**

7 103.1 Administration. For administrative issues please reference the 2019
8 California Administrative Code adopted herein.

9
10 **Delete Sections 103.2 through 108 of Part 2-Administrative and Enforcement.**

11
12 **Add Section 301.1.2. as follows:**

13 301.1.2 In the event of a conflict between the provisions of the Swimming Pool
14 Safety Act, the International Swimming Pool and Spa Code, 2018 Edition, the 2019
15 California Building Code, or the 2019 California Residential Code, the Building Official
16 shall implement the most restrictive measures cited.

17
18 SECTION 16. References in County forms, documents and regulations to the
19 former 2016 California Building Standards Code adopted in Title 6 of the San Bernardino
20 County Code, shall be construed to apply to the most current and adopted corresponding
21 provisions contained within Title 6 of the San Bernardino County Code. San Bernardino
22 County Ordinance No. 4314 and all other ordinances or parts of ordinances in conflict
23 herewith are hereby superseded and expressly repealed.

24
25 SECTION 17. If any part of this ordinance is held to be invalid for any reason,
26 such decision shall not affect the validity of the remaining portion of this ordinance, and
27 this Board of Supervisors hereby declares that it would have passed the remainder of this
28 ordinance if such invalid portion thereof had been deleted.

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SECTION 18. This ordinance shall be in full force and effect 30 days from the date of adoption.

CURT HAGMAN, Chairman
Board of Supervisors

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

LYNNA MONELL, Clerk of the
Board of Supervisors

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

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the _____ day of _____, 2020, at
7 which meeting were present Supervisors: _____

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

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

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

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of the
17 County of San Bernardino,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:

22 MICHELLE D. BLAKEMORE
23 County Counsel

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

27 Date: _____
28