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1 amendments are necessary, this ordinance makes express findings supporting the  
2 amendment, identifies the section of the applicable code being amended, and  
3 distinguishes the amended text from the text of the code not otherwise being amended.

4 (e) Adoption of such codes provide minimum requirements and standards for  
5 the protection of the public safety, health, property, and welfare in the unincorporated  
6 area of the County.

7 (f) This ordinance is adopted under the authority of Government Code section  
8 50022.2 and Health and Safety Code sections 17958, 17958.5, 17958.7 and 18941.5,  
9 and is exempt from the California Environmental Quality Act (CEQA) in that, pursuant to  
10 CEQA Guidelines section 15061(b)(3), it can be seen with certainty that there is no  
11 possibility that the ordinance may have a significant effect on the environment.

12  
13 SECTION 2. Chapters 1, 1.5, 2, 3, 4, 5, 13, 14, 15, 18, 19, 20 and 21 of Division 3  
14 of Title 6 of the San Bernardino County Code are repealed.

15  
16 SECTION 3. Chapter 1 is added to Division 3 of Title 6 of the San Bernardino  
17 County Code, to read:

18 **CHAPTER 1: CALIFORNIA BUILDING CODE**

19 **Sections:**

20 63.0101 Adoption of California Building Code.

21 63.0102 Adoption of Code Appendices.

22 63.0103 Changes in the Appendices.

23 63.0104 Relocation Permits.

24 63.0105 Appeals Boards.

25 **63.0101 Adoption of California Building Code.**

26 A copy of the 2021 Edition of the International Building Code, volumes 1 and 2,  
27 prepared and published by the International Code Council, with state amendments, also  
28 known as the 2022 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 San Bernardino County, is hereby designated and adopted by reference as the Building Code for the unincorporated area of San Bernardino County, State of California, subject to those amendments and limitations as set forth in this Chapter 1.

**63.0102 Adoption of Code Appendices.**

Appendices C - "Group U - Agricultural Buildings," Appendix I - "Patio Covers," and Appendix J - "Grading" of the 2022 California Building Code are hereby adopted by reference as part of the Building Code for the unincorporated area of San Bernardino County, State of California, subject to those amendments and limitations as set forth in this Chapter 1.

**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.* An applicant for a relocation permit 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.* An applicant for a relocation permit 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 2022 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.**

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

7           (1)     *Membership.* The Building and Safety Appeals Board shall include  
8 five regular members and three alternate members. Members shall be appointed at large.  
9 No County employees shall be members of this board. All members - regular and  
10 alternate - must have knowledge, experience and training to review and reach decisions  
11 on matters pertaining to building construction and applicable building codes, regulations,  
12 and ordinances. Members shall serve a term of four years. In addition to the board  
13 members and the alternate members, the Building Official shall be an ex-officio member  
14 and shall act as secretary to the board. The members of the appeals board shall be  
15 appointed by the Board of Supervisors and shall hold office at its pleasure. Terms of  
16 office shall be staggered. Three of the initial appointments for regular members and one  
17 of the initial appointments for alternate members to the board shall be for two-year terms.  
18 A member whose term has expired shall continue to serve in that capacity until a new  
19 appointment is made by the Board of Supervisors. Upon recommendation of the County  
20 Chief Executive Officer or his or her designee, members may be removed by a majority  
21 vote of the Board of Supervisors.

22           (2)     *Meetings.* A quorum shall be a meeting of at least three members.  
23 Alternate members may sit on the board in the absence of any regular members and shall  
24 be counted towards the quorum of three if there is an insufficient number of regular  
25 members available. A regular meeting shall be held at least once annually at a date and  
26 time established by a resolution of the Board of Supervisors. Rules for notice and conduct  
27 of the Building and Safety Appeals Board meetings, including without limitation all regular,  
28 adjourned regular and special meetings, shall be pursuant to the terms of this section and

1 shall be in accordance with the provisions of the Ralph M. Brown Act (Government Code  
2 section 54950 et seq.). The members shall be reimbursed as provided by County Code  
3 section 13.0618(b).

4 (3) *Responsibilities and Authority.* The Building and Safety Appeals  
5 Board shall conduct hearings on appeals of orders, decisions, and determinations made  
6 by the Building Official relative to the applications and interpretation of the California  
7 Building Standards Code, and other regulations governing the use, maintenance, and  
8 change of occupancy. The Building and Safety Appeals Board shall have no authority to  
9 waive requirements of the California Building Standards Code or the County Code. All  
10 decisions of the Building and Safety Appeals Board shall be rendered in writing. The  
11 Building and Safety Appeals Board shall meet as necessary in order to abide by the  
12 scheduling provisions of County Code section 63.0105(c)(4). An application for appeal  
13 shall be based on a claim that the Building Code, as adopted herein, or the County Code,  
14 or the rules legally adopted thereunder, have been incorrectly interpreted, or do not fully  
15 apply, or that an equally good or better form of construction is proposed. The Building  
16 and Safety Appeals Board shall also function as the “local appeals board” and the  
17 “housing appeals board” specified in the California Health and Safety Code sections  
18 17920.5 and 17920.6.

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

26 (1) *Membership.* The Physically Disabled Access Appeals Board shall  
27 consist of five regular members as follows: a minimum of two physically disabled  
28 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 the initial appointments for an individual with a disability, the initial appointment shall be for two years to allow for the terms of office to be staggered. A member whose term has expired shall continue to serve in that capacity until a new appointment is made by the Board of Supervisors. Upon recommendation of the County Chief Executive Officer or his or her designee, members may be removed by majority vote of the Board of Supervisors.

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

(3) *Responsibilities and Authority.* The Physically Disabled Access

1 Appeals Board shall serve as the “local appeals board” specified in Section 19957.5 of  
2 the California Health and Safety Code in appeals relating to accommodations for the  
3 physically disabled. The authority of the Physically Disabled Access Appeals Board shall  
4 consist of the conducting of appeals for the purpose limited to that expressed in California  
5 Health and Safety Code sections 19955 through 19959. All decisions of the Physically  
6 Disabled Access Appeals Board shall be rendered in writing.

7 (c) *Appeal.* Unless otherwise provided, reference to “Appeals Board” shall  
8 refer to the Building and Safety Appeals Board or Physically Disabled Access Appeals  
9 Board, whichever is applicable.

10 (1) *Timing and Form of Appeal.* The Building Official shall have the right  
11 to appeal to the Appeals Board, provided that a written application for appeal is filed within  
12 20 days after the decision, determination, or notice and order was served. An application  
13 for appeal shall be based on a claim that the true intent of the applicable code or rules  
14 legally adopted thereunder have been incorrectly interpreted, or that the provisions of the  
15 applicable code or rules legally adopted thereunder do not fully apply or that the  
16 requirements of the applicable code or the rules legally adopted thereunder are  
17 adequately satisfied by other means. The appeal shall be made in writing and filed along  
18 with the appeal fee with the appropriate County office. The written appeal shall contain:

19 (A) A heading containing the words “Before the Building and  
20 Safety Appeals Board of San Bernardino County” or “Before the Physically Disabled  
21 Access Appeals Board of San Bernardino County,” whichever is applicable.

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

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

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



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

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

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

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

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

16 (4) *Scheduling and Noticing of Appeal Hearing.* As soon as practicable  
17 after receiving the written appeal and appeal fee, the Appeals Board shall fix a date, time,  
18 and place for the hearing of the appeal by the board. Such date shall not be less than 10  
19 days nor more than 60 days from the date the appeal was filed with the Building Official,  
20 subject to any stay pending a decision to grant or deny an appeal fee hardship waiver  
21 request. Written notice of the time and place of the hearing shall be given at least 10  
22 days prior to the date of the hearing to each appellant and any interested parties of record  
23 discovered through reasonable diligence, through either personal service or first class  
24 mail, each appellant at the address shown on the appeal, and to the interested party of  
25 record at the party's last known address. Notice by mail shall be deemed effective on the  
26 date of deposit.

27 (5) *Open Hearing.* Hearings before the Appeals Board shall be open to  
28 the public. The appellant, the appellant's representative, the Code Official and any

1 person whose interests are affected shall be given an opportunity to be heard.

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

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

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

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

28 (10) *Stay Pending Appeal.* Except for vacation orders issued by the

1 Building Official because of conditions that represent an immediate threat to life, limb,  
2 property, or safety of the public or adjacent properties, enforcement of any notice and  
3 order of the Building Official shall be stayed during the pendency of an appeal therefrom  
4 which is properly and timely filed.

5 (11) *Hearing and Decision.* The decision of the Appeals Board shall be  
6 final; there is no further administrative appeal.

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

8 (1) *Hearing Examiners.* The Appeals Board may designate one or more  
9 of its members to serve as a hearing examiner to conduct the hearing of an appeal to the  
10 board. The examiner hearing the case shall exercise all powers relating to the conduct  
11 of hearings until it is submitted to the Appeals Board for decision. Decisions and actions  
12 of the Building Official regarding the enforcement of the requirements of Health and  
13 Safety Code sections 19955 through 19959 shall be appealed to the Physically Disabled  
14 Access Appeals Board. Appeals to the Physically Disabled Access Appeals Board must  
15 be heard in front of that board as a whole.

16 (2) *Record.* A record of the entire proceedings shall be made by  
17 electronic recording or by any other means of tangible recording determined to be  
18 appropriate by the Appeals Board. A transcript of the recording will be made available to  
19 any party that requests a transcript in writing accompanied with the transcription fee  
20 established by the County Fee Ordinance. If no transcription fee has been established  
21 by the County Fee Ordinance, then the fee shall be the full actual cost of transcribing the  
22 requested recordings into print form as established by a transcription service, and shall  
23 be paid prior to transcription services being rendered.

24 (3) *Continuances and Postponements.* The Appeals Board may grant a  
25 continuance for good cause shown. If a hearing examiner has been assigned to a  
26 hearing, the examiner may grant a continuance for good cause shown so long as the  
27 matter remains before the examiner.

28 (4) *Oaths—Certification.* In any proceedings under this chapter, the

1 Appeals Board, any board member, or the hearing examiner has the power to administer  
2 oaths and affirmations and to certify official acts.

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

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

8 “You are hereby notified that a hearing will be held before (the Building and  
9 Safety Appeals Board, Physically Disabled Access Appeals Board or name  
10 of hearing examiner, whichever is applicable) at \_\_\_\_\_ on the day  
11 \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_. You may be present at the  
12 hearing. The hearing will proceed as noticed in absentia if you elect not to  
13 be present. You may be, but need not be, represented by counsel, even if  
14 you elect not to be present. You may present any relevant evidence and  
15 will be given full opportunity to cross-examine all witnesses testifying  
16 against you. You may request the issuance of subpoenas to compel the  
17 attendance of witnesses and the production of books, documents, or other  
18 things by filing an affidavit therefore with (Building and Safety Appeals  
19 Board, Physically Disabled Access Appeals Board or name of hearing  
20 examiner, whichever is applicable).”

21 (7) *Subpoenas.*

22 (A) *Filing of Affidavit.* A subpoena may be issued for the  
23 attendance of witnesses or the production of other evidence at a hearing upon the request  
24 of a member of the Appeals Board or a hearing examiner, or upon the written demand of  
25 any party. The subpoena must be accompanied by an affidavit that states the name and  
26 address of the proposed witness and/or specifies the exact things sought to be produced  
27 and the materiality thereof, and states that the witness has the desired things in  
28 possession or under control. A subpoena need not be issued when the affidavit is

1 defective.

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

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

8 (8) *Conduct of Hearing.*

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

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

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

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

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

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

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

28 (II) To introduce documentary and physical evidence;

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

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

5 (V) To rebut evidence; and

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

8 (9) *Official Notice.*

9 (A) *What may be noticed.* The Appeals Board or hearing  
10 examiner may take official notice of any matter that may be judicially noticed by the courts  
11 of this state or any official records of the County or any department and ordinances of the  
12 County or rules and regulations of the County.

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

16 (C) *Opportunity to refute.* Parties present at the hearing shall be  
17 given a reasonable opportunity, upon the request of a party, to refute any officially noticed  
18 matters with the manner of such refutation to be determined by the Appeals Board or  
19 hearing examiner.

20 (10) *Inspection of the premises.* The Appeals Board or the hearing  
21 examiner may inspect any building or premises involved in the appeal during the course  
22 of the hearing, provided that:

23 (A) Notice of such inspection shall be given to the parties before  
24 the inspection is made;

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

27 (C) The Appeals Board or the hearing examiner shall state for the  
28 record upon completion of the inspection, the material facts observed and the conclusions

1 drawn therefrom. Each party then shall have a right to rebut or explain the matters so  
2 stated by the Appeals Board or hearing examiner.

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

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

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

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

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

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

28 (F) *Proposed Decision Not Adopted.* If the proposed decision is

not adopted, the Appeals Board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in subdivision (11)(B) hereof after any additional evidence is submitted. Consideration of such proposed decision by the board shall comply with the provisions of this section.

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

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

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

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

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:**



1           63.0151       Adoption of California Residential Code.

2           63.0152       Adoption of Code Appendices.

3       **63.0151       Adoption of California Residential Code.**

4           A copy of the International Residential Code, 2021 Edition, prepared and published  
5 by the International Code Council, with state amendments, also known as the 2022  
6 California Residential Code, contained in Part 2.5 of Title 24 of the California Code of  
7 Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of  
8 San Bernardino County, is hereby designated and adopted by reference as the  
9 Residential Code for the unincorporated area of San Bernardino County, State of  
10 California.

11       **63.0152       Adoption of Code Appendices.**

12           Appendix AH - "Patio Covers" and Appendix AX - "Swimming Pool Safety Act" of  
13 the 2022 California Residential Code are hereby adopted by reference as part of the  
14 Residential Code for the unincorporated area of San Bernardino County, State of  
15 California.

16  
17           SECTION 5. Chapter 2 is added to Division 3 of Title 6 of the San Bernardino  
18 County Code, to read:

19       **CHAPTER 2:       CALIFORNIA ELECTRICAL CODE**

20       **Sections:**

21           63.0201       Adoption of California Electrical Code.

22           63.0202       Adoption of Code Annexes.

23       **63.0201       Adoption of California Electrical Code.**

24           A copy of the National Electrical Code, 2020 Edition, prepared and published by  
25 the National Fire Protection Association, with state amendments, also known as the 2022  
26 California Electrical Code, contained in Part 3 of Title 24 of the California Code of  
27 Regulations, having been filed in the Office of the Clerk of the Board of Supervisors of  
28 San Bernardino County, is hereby designated and adopted by reference as the Electrical

Code for the unincorporated area of San Bernardino County, State of California.

**63.0202 Adoption of Code Annexes.**

Annexes A, B, C, D, E, F, G, H, and I of the 2022 California Electrical Code are hereby adopted by reference as part of the Electrical Code for the unincorporated area of San Bernardino County, State of California.

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, 2021 Edition, prepared and published by the International Association of Plumbing and Mechanical Officials, with state amendments, also known as the 2022 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 San Bernardino County, is hereby designated and adopted by reference as the Plumbing Code for the unincorporated area of San Bernardino County, State of California, subject to those amendments and limitations as set forth in this Chapter 3.

**63.0302 Express Findings.**

It is expressly found and determined that more restrictive amendments to the 2022 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; 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; 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 2022 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 San Bernardino County, 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 2022 California Plumbing Code are hereby adopted by reference as part of the Plumbing Code for the unincorporated area of San Bernardino County, State of California, subject to those amendments and limitations as set forth in this Chapter 3.

### **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 <sup>1</sup>	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 <sup>2</sup>	5 feet (1,524 mm)	5 feet (1,524 mm)	8 feet (2,438 mm)
Water supply wells	50 feet <sup>3</sup> (15,240 mm)	100 feet (30.5 m)	100 feet <sup>9</sup> (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 <sup>7</sup> , 10 feet <sup>10</sup> (30.5 m)	150 <sup>7</sup> feet (45.7 m)
Trees		10 feet (3,048 mm)		10 feet (3,048 mm)
Seepage pits or cesspools <sup>8</sup>		5 feet (1,524 mm)	5 feet (1,524 mm)	12 feet (3,658 mm)

Disposal field <sup>8</sup>		5 feet (1,524 mm)	4 feet <sup>4</sup> (1,524 mm)	5 feet (1,524 mm)
On-site domestic water service line	1 foot <sup>5</sup> (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 <sup>6</sup> (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 Uniform Mechanical Code, 2021 Edition, prepared and published by the International Association of Plumbing and Mechanical Officials, with state amendments, also known as the 2022 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 San Bernardino County, is hereby designated and adopted

by reference as the Mechanical Code for the unincorporated area of San Bernardino County, State of California.

**63.0402 Adoption of Code Appendices.**

Appendices B, C, D and G of the 2022 California Mechanical Code are hereby adopted by reference as part of the Mechanical Code for the unincorporated area of San Bernardino County, State of California.

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 California Energy Code, 2022 Edition, 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 San Bernardino County, is hereby designated and adopted by reference as the Energy Code for the unincorporated area of San Bernardino County, State of California.

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:**

63.1301 Adoption of California Historical Building Code.

63.1302 Adoption of Code Appendix.

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

A copy of the California Historical Building Code, 2022 Edition, contained in Part 8

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 San Bernardino County, is hereby designated and adopted by reference as the Historical Building Code for the unincorporated area of San Bernardino County, State of California.

**63.1302 Adoption of Code Appendix.**

Appendix A of the 2022 California Historical Building Code is hereby adopted by reference as part of the Historical Building Code for the unincorporated area of San Bernardino County, State of California.

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

**CHAPTER 14: CALIFORNIA EXISTING BUILDING CODE**

**Sections:**

63.1401 Adoption of California Existing Building Code.

63.1402 Adoption of Code Appendix.

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

A copy of the International Existing Building Code, 2021 Edition, prepared and published by the International Code Council, with state amendments, also known as the 2022 California Existing Building Code, contained in Part 10 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 Existing Building Code for the unincorporated area of San Bernardino County, State of California.

**63.1402 Adoption of Code Appendix.**

Appendix A, Chapter A1 “Seismic Strengthening Provisions For Unreinforced Masonry Bearing Wall Buildings” of the 2022 California Existing Building Code is hereby adopted by reference as part of the Existing Building Code for the unincorporated area of

San Bernardino County, State of California.

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 California Green Building Standards Code, 2022 Edition, 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 San Bernardino County, is hereby designated and adopted by reference as the Green Building Standards Code for the unincorporated area of San Bernardino County, State of California.

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 International Property Maintenance Code, 2021 Edition, prepared and published by the International Code Council, 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 International Property Maintenance Code for the unincorporated area of San Bernardino County, State of California.

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 California Administrative Code, 2022 Edition, 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 San Bernardino County, is hereby designated and adopted by reference as the Administrative Code for the unincorporated area of San Bernardino County, State of California.

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 California Referenced Standards Code, 2022 Edition, contained in Part 12 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 San Bernardino County, is hereby designated and adopted by reference as the Referenced Standards Code for the unincorporated area of San Bernardino County, State of California.

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

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

**Sections:**

63.2101 Adoption of the International Swimming Pool and Spa Code.

63.2102 Changes in the Code.

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

A copy of the International Swimming Pool and Spa Code, 2021 Edition, prepared and published by the International Code Council, 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 Swimming Pool and Spa Code for the unincorporated area of San Bernardino County, State of California, subject to those amendments and limitations as set forth in this Chapter 21.

**63.2102 Changes in the Code.**

The following changes are hereby made to the 2021 International Swimming Pool and Spa Code, as adopted herein. Chapters 4 through 6 of the 2021 International Swimming Pool and Spa Code is hereby deleted in its entirety, and Chapters 1 through 3 and Chapters 7 through 11 of the 2021 International Swimming Pool and Spa Code is hereby amended, deleted, or added to as follows:

**Amend Section 101.1 as follows:**

101.1 Title. These regulations shall be known as the International Swimming Pool and Spa Code for the unincorporated area of San Bernardino County, State of California, hereinafter referred to as "this code."

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

**Amend Section 103.1 in its entirety to read as follows:**

103.1 Administration. For administrative issues please reference the 2022 California Administrative Code adopted herein.

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

1  
2 **Add Section 301.1.2 as follows:**

3 301.1.2 In the event of a conflict between the provisions of the Swimming Pool  
4 Safety Act, the International Swimming Pool and Spa Code, 2021 Edition, the 2022  
5 California Building Code, or the 2022 California Residential Code, the Building Official  
6 shall implement the most restrictive measures cited.  
7

8 SECTION 16. References in County forms, documents, and regulations to the  
9 former 2019 California Building Standards Code adopted in Title 6 of the San Bernardino  
10 County Code, shall be construed to apply to the most current and adopted corresponding  
11 provisions contained within Title 6 of the San Bernardino County Code. San Bernardino  
12 County Ordinance No. 4375 and all other ordinances or parts of ordinances in conflict  
13 herewith are hereby superseded and expressly repealed.  
14

15 SECTION 17. The Board of Supervisors declares that it would have adopted this  
16 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the  
17 fact that any one or more sections, subsections, clauses, phrases or portions of it be  
18 declared invalid or unconstitutional. If for any reason any portion of this ordinance is  
19 declared invalid or unconstitutional, then all other provisions of it shall remain valid and  
20 enforceable.  
21

22 SECTION 18. This ordinance shall take effect January 1, 2023.  
23  
24

25 

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CURT HAGMAN, Chairman  
26 Board of Supervisors

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

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LYNNA MONELL, Clerk of the  
Board of Supervisors

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

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,  
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of  
6 said County and State, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at which meeting  
7 were present Supervisors: \_\_\_\_\_  
8 \_\_\_\_\_

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

11 AYES: SUPERVISORS:

12 NOES: SUPERVISORS:

13 ABSENT: SUPERVISORS:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal  
15 of the Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

19 \_\_\_\_\_  
20 Deputy

21 Approved as to Form:

22 TOM BUNTON  
23 County Counsel

24 By: \_\_\_\_\_  
25 JOLENA E. GRIDER  
26 Deputy County Counsel

27 Date: \_\_\_\_\_  
28