

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA AMENDING SECTIONS 15.04.020, 15.04.050, 15.04.060, 15.04.070, 15.04.210, 15.04.250, 15.05.010, 15.08.050, 15.10.080, 15.28.150, 15.28.160, 15.36.010, 15.48.040, 15.57.020, 15.57.030, 15.57.040, AND 15.68.050 OF THE SAN BERNARDINO MUNICIPAL CODE AND REPEALING SECTIONS 15.08.060, 15.48.060, AND 15.48.090 OF THE SAN BERNARDINO MUNICIPAL CODE PERTAINING TO BUILDINGS AND CONSTRUCTION FROM TITLE 5 TO THE SAN BERNARDINO MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2022 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2021 INTERNATIONAL BUILDING CODE); THE 2022 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2020 NATIONAL ELECTRICAL CODE); THE 2022 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2021 UNIFORM PLUMBING CODE); THE 2022 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2021 UNIFORM MECHANICAL CODE); THE 2022 CALIFORNIA ENERGY CODE; THE 2022 CALIFORNIA HISTORICAL BUILDING CODE; THE 2022 CALIFORNIA FIRE CODE; THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND THE 2022 CALIFORNIA EXISTING BUILDING CODE.**

**WHEREAS**, pursuant to Government Code section 50022.1 *et seq.*, the City of San Bernardino (“City”) may adopt by reference the California Building Standards Code, 2022 Edition as provided in Title 24 of the California Code of Regulations and other codes, including, without limitation, the California Administrative Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Historical Building Code, California Fire Code, California Green Building Standards Code, International Residential Code, International Property Maintenance Code, and International Existing Building Code; and

**WHEREAS**, the California Building Standards Commission (“Commission”) recently adopted the 2022 Edition of the California Building Standards Code; and

**WHEREAS**, Health and Safety Code section 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, and topographical conditions; and

**WHEREAS**, the City held a public hearing on September 18, 2024, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

**WHEREAS**, the City published notice of the aforementioned public hearing pursuant to Government Code section 6066 on August, 15, 2024 and August 22, 2024; and

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

**THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO DO ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Section 15.04.020 of the SBMC is hereby amended to state in full as follows:

**Explanation of format: Changes to the code and new language are in Red, language to be removed has been crossed-out and explanations for changes are in Blue.**

**Explanation of changes:**

- 1) Most were done to clean up or correct language that existed in the previous adoption.**
- 2) Removed unnecessary and redundant language now contained within the Building Codes.**
- 3) Section D was added to 15.20.030 to expressly prohibit the issuance of Temporary Certificates of Occupancy. Section 15.20.070 was deleted.**

## **TITLE 15**

### **BUILDINGS AND CONSTRUCTION**

**Chapters:**

**15.04 Building Codes**

**15.05 Property Maintenance Code**

**(Added by Ord. MC-1417, 10-05-15)**

**15.08 Liquefaction**

**15.10 Foothill Fire Zone Building Standards**

**15.11 Building Safety Enhancement Area Building Standards**

**15.12 Earthquake Hazard Reduction in Existing Buildings**

**15.16 Uniform Fire Code (Repealed by Ord. MC-1422, 5-16-16)**

**15.20 Certificate of Occupancy**

**15.24 Property Maintenance Requirements**

**15.25 Multi-Family Rental Housing Fire Inspection Program**

**15.26 Single-Family Rental Property Inspection Program**

**15.27 Crime-Free Rental Housing Program**

**15.28 Dangerous Buildings**

**15.32 (Repealed by Ord. MC-781, 4-22-91)**

**15.34 Removal or Destruction of Trees**

**15.36 Demolition and Moving of Buildings and Structures**

**15.37 Historic Building Demolition Ordinance**

**15.38 (Repealed by Ord. MC-880, 6-23-93)**

**15.40 (Repealed by Ord. MC-880, 6-23-93)**

**15.44 (Repealed by Ord. MC-880, 6-23-93)**

**15.48 Swimming Pools**

**15.52 (Repealed by Ord. MC-781, 4-22-91)**

**15.55 City Assumption of Code Enforcement in**

**Mobile Home Parks (Repealed by Ord. MC-1379, 10-15-12)**

**15.56 (Repealed by Ord. MC-781, 4-22-91)**

**15.57 Cultural Development Construction Tax**

**15.60 (Repealed by Ord. MC-880, 6-23-93)**

**15.64 (Repealed by Ord. MC-84, 7-21-81)**

**15.68 Washers, Dryers, Extractors, and Compressors**

**15.72 (Repealed by Ord. MC-781, 4-22-91)**

1 For statutory provisions authorizing cities to regulate buildings and construction, see Gov. Code §§38601 and 38660; for provisions on the construction of housing, see Health and Safety Code §17910 et seq., for provisions authorizing cities to adopt codes by reference, see Gov. Code §50022.1 et seq.

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**15.73** Verdemont Area - Infrastructure Fee

**15.74** Violation - Penalty.

## **Chapter 15.04**

### **BUILDING CODES**

As Amended by Ord. MC-1433, 12-21-16

Sections:

**15.04.010** Citation

**15.04.020** Adoption of Codes by Reference

**15.04.030** Applicability

**15.04.040** Definitions

**15.04.050** CBC - Appendix Chapter 1, Section 105.5.1 is added - Prima Facie Evidence of Abandoned Work

**15.04.060** CBC - Appendix Chapter 1, Section 112.1.1 is added- Board of Appeals Designated

**15.04.070** CBC - Appendix Chapter 1, Section 105.2, Item 2 is Amended Fences Not Requiring a Building Permit

**15.04.080** Applicable Fees and Fee Exemptions

**15.04.090** CBC - Section 2204.1.1 is added Qualification of Welding Operators.

**15.04.100** CBC - Section 3109.1.1 is added Barriers for Swimming Pools

**15.04.110** CBC - Appendix J, Section J101.3 is added - Alquist-Priolo Earthquake Fault Zones

**15.04.120** CBC Appendix J, Section J101.4 is added - Enforcement Authority

**15.04.130** On-site Improvement Permit

**15.04.140** Preparation of Grading Plans

**15.04.150** On-Site Improvement Plans and Specifications

**15.04.160** Information on On-Site Improvement Plans

**15.04.170** On-site Improvement Plan Review and Permit Fees

**15.04.180** Inspection of On-Site Improvements

**15.04.190** Bonds Required

**15.04.200** CBC Appendix J, Section J110.1 is added Planting of Slopes

**15.04.210** CBC Appendix J, Section J112 is added- Grading Operations

**15.04.220** CBC Appendix J, Section J110.3 is added- Final Repots

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**15.04.230** Driveway Configurations

**15.04.240** Location of Slopes

**15.04.250** Automatic Fire Sprinkler Systems- Residential Additions

**15.04.260** Stop Work Order

**15.04.010** Citation

The ordinance codified in this chapter shall be known as the "San Bernardino Building Code" hereinafter referred to as the "Building Code".

**15.04.020** Adoption of Codes ~~by Reference~~

~~A. Adoption of the California Building Standards Code by Reference~~

~~Those certain rules and regulations as set forth in the following codes are hereby adopted by reference as the regulations governing the erection, construction, alteration, change of occupancy, repair, removal, and maintenance of all buildings and other structures in the City:~~

~~1. The 2019 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, incorporating those state adopted model codes listed pursuant to Health and Safety Code Section 17922, and all state adopted amendments thereon, and incorporating:~~

- ~~A. California Building Code (CBC), 2019 edition;~~
- ~~B. California Electrical Code (CEC), 2019 edition;~~
- ~~C. California Mechanical Code (CMC), 2019 edition;~~
- ~~D. California Plumbing Code (CPC), 2019 edition;~~
- ~~E. California Green Building Standards Code (CGBSC), 2019 edition; and~~
- ~~F. California Residential Code (CRC), 2019 edition.~~

~~B. Adoption of Other Codes by Reference~~

~~In addition to the California Building Standards Codes, those certain rules and regulations, as set forth in the following codes, and appendices are hereby adopted by reference and shall regulate the erection, construction, change of occupancy, alteration, repair, removal and maintenance of all buildings and other structures in the City:~~

- ~~1. Uniform Housing Code (UHC), 1997 edition;~~

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1. Except as provided in this chapter, the certain code currently adopted State Building Code under title 24 sections parts 1-6, 8, 9 and 11 of the CCR known and designated as the 2019 2022 California Building Codes (CBC), as adopted by the State of California, based on the 2018 2021 International Building Code published by the International Code Council and the Plumbing and Mechanical Codes written by IAPMO and the National Electrical Code and Fire Code as written by NFPA, shall become the administrative provisions of the City of San Bernardino for regulating the construction, erection, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use and occupancy and maintenance of all buildings and/or structures in the city. Chapter 1 of the 2022 California Building Code and all other formally adopted building Code will be on file for public examination in the offices of the building official as required by State Law.

The City of San Bernardino does hereby formally adopt the State of California model building Codes into local law as listed below:

2022 California Administrative Code Title 24 Part 1

2022 California Building Code Title 24 Part 2 (Volumes 1 & 2)

2022 California Electrical Code Title 24 Part 3 (based on 2017 NEC)

2022 California Mechanical Code Title 24 Part 4 (based on 2018 Uniform Mechanical Code)

2022 California Plumbing Code Title 24 Part 5

2022 California Energy Code Title 24 Part 6

2022 California Historical Building Code Title 24 Part 8

2022 California Fire Code Title 24 Part 9 (specific amendments to the California Fire Code are to be adopted by district for the greater San Bernardino County Fire District and will include Office of the State Fire Marshall requested amendments.)

Fire Marshall is requesting independent adoption district wide, this language is hereby adopted by reference in the City Municipal Code.

2022 California Green Building Standards Code Part 11

All sections of the Code listed here and legally adopted by the State of California's Building Standards Commission or by the Office of the State Fire Marshall shall be formally adopted by the City of San Bernardino as the California Building Code to be enforced within the City limits as required by state law. Sections and appendices not specifically adopted by the aforementioned State offices are hereby adopted by reference.

### Changed for clearer language

~~2. Uniform Administrative Code (UAC), 1997 edition;~~

### Using Title 24 Part 1 Administrative Code instead

2. Uniform Code for the Abatement of Dangerous Buildings

(UCADB), 1997 edition;

3. International Residential Code, Appendix H, ~~2018~~ 2021 edition;

4. International Property Maintenance Code (IPMC), ~~2018~~ 2021 edition; and

5. International Existing Building Code (IEBC), ~~2018~~ 2021 edition.

C. Copies of all Codes listed above shall be on file in the Community Development and Housing Department Office for inspection and reference and copies of each code shall be furnished to the Building Official and each deputy. These codes are also available for view on the International Code Conference website <http://www.ICCsaf.org>

**Added for the purpose of public information and transparency.**

#### **15.04.030 Applicability**

It shall be unlawful to erect, construct, change the occupancy, alter, repair, rehabilitate, remove, move or maintain any building or structure, or grade or alter any land, in the City in violation of, or without complying with the appropriate provisions of this Chapter.

In the event of any inconsistency or conflict between the above codes and the requirements of other City ordinances or State statutes, the State statutes and City ordinances shall govern.

#### **15.04.040 Definitions**

"City" in the above-mentioned section and codes shall be deemed to refer to and designate the City of San Bernardino, and any reference to any act or legislative enactments herein referred to shall be deemed to designate and embrace the statutes of the State, and the amendments thereof, dealing with the subject matter thereby and therein referred to.

**15.04.050** ~~IBC Appendix~~ **CBC** Chapter 1, Section 105.5.1 is added –

#### **Reference incorrect**

~~Prima Facie Evidence of Abandoned Work~~

~~Section 105.5.1 Prima Facie Evidence of Abandoned Work~~

~~Failure on the part of the permittee to obtain an inspection and to demonstrate substantial progress to the satisfaction of the Building Official within any 180-day period shall be prima facie evidence that the work has been abandoned and the permit shall have expired.~~

~~Section 105.5 Prima Facie Evidence of Abandoned Work~~

~~Failure on the part of the permittee to obtain an inspection and to demonstrate substantial progress to the satisfaction of the Building Official within any 180-day period shall be prima facie evidence that the work has been abandoned and the permit shall have expired.~~

**The code section cited was previously incorrect.**

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15.04.060 CBC ~~Appendix~~ Chapter 1, Section 113.1.1 is added

**No appendix Chapter 1, its just Chapter 1**

Board of Appeals Designated

Section 113.1.1 Board of Appeals Designated

1. The Board of Building Commissioners of the City of San Bernardino shall serve as the Board of Appeals. The Building Official or his designee shall be Clerk of the Board. The Board shall have such duties as are delegated to it by the California Building Code (CBC) **Section 113** as adopted by the City, and other duties as may be delegated by other provisions of the San Bernardino Municipal Code.

15.04.070 CBC ~~Appendix~~ Chapter 1, Section 105.2, Item 2 is Amended -

Fences Not Requiring a Building Permit

2. Fences not over 6 feet high, except concrete and masonry fences greater than three (3) feet above grade. Masonry fences shall be constructed in accordance with the standard design specifications approved by the Building Official, unless an alternate engineered design is submitted and approved. Exemption from the permit requirements shall not be deemed as a waiver of the design requirements contained in the San Bernardino Development Code as it relates to the use or configuration of materials, or to the height of fences in front, side or rear yards.

**15.04.080** Applicable Fees and Fee Exemptions

Applicable Fees: The fees for building, electrical, plumbing, and mechanical permits shall be as set forth in the latest adopted edition of the **Uniform California** Administrative Code, subject to such amendments thereto as are adopted in this Chapter, and subject to further amendments as adopted by resolution of the Mayor and City Council.

**15.04.090** CBC Section 2204.1.1 is added - Qualification of Welding Operators

Section 2204.1.1 Qualification of Welding Operators.

In addition to Section 2204.1, the following subsections shall govern all welding work:

1. All welding shall be done by qualified operators approved by the Building Official. The Building Official shall prescribe rules and regulations for the tests of welders, and no operator shall be approved by the Building Official unless and until he/she has first successfully completed such tests as may be given by the Department of Adult Vocational Education of the San Bernardino City Schools, or San Bernardino Valley College, or has obtained such approval because he/she holds a current welding certificate issued by an accredited testing agency based upon the requirements of the California Department of Adult-Vocational Education.

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A certificate shall be issued to operators by the Building Official upon successful completion of the required test or tests and/or approval as aforesaid being obtained. Requests for the certificate shall be made by the operator within thirty (30) days after completion of the test. The certificate shall be valid for two years.

Subsequent certificates may be obtained by successful completion of required tests, or when the approved operator submits sufficient evidence to the Department of Adult-Vocational Education of the San Bernardino City Schools, or San Bernardino Valley College that he/she has regularly engaged in such work and that such work has been satisfactorily performed during the past year.

2. Every welder employed for welding of steel plate of No. 8 gauge thickness or less shall be qualified for light gauge welding. Every welder employed for field welding shall be qualified to weld in the flat, vertical and overhead positions. Welders, including light gauge welders who are employed for shop welding, shall be qualified in the flat, vertical and horizontal positions.

3. Structural steel welding operators shall be qualified as prescribed by the latest edition of the Structural Welding Code of the American Welding Society.

4. After a welder has passed the required tests, he/ she must be capable of performing neat and consistently good work in actual operation. Carelessness, inability to maintain a uniform arc and poor workmanship will be deemed sufficient cause for revocation of the welder's certificate.

5. A fee of ~~forty dollars (\$ 40)~~ **Three hundred ninety-four dollars and 74 cents (\$394.74)** will be charged by the City of San Bernardino for each original or renewed certificate, which shall be valid for two (2) years.

6. At the time application is made, a certificate may be issued without examination upon presentation of proper evidence that the welder is currently approved for the position either by the Department of Adult-Vocational Education or other acceptable proof of qualification.

7. Testing shall be done under the supervision of the San Bernardino City Schools, Department of Adult-Vocational Education of San Bernardino Valley College or other accredited testing agency.

**15.04.100** CBC Section 3109.1.1 is added - Barriers for Swimming Pools

The requirements of CBC Section 3109 shall apply to single-family swimming pool barriers. Swimming pools, spas, and hot tubs for which an application for a building permit

was submitted prior to July 23, 1993 shall comply with the requirements contained in Chapter 15.48 of the San Bernardino Municipal Code.

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**15.04.110** CBC Appendix J, Section J101.3 is added - Alquist-Priolo Earthquake Fault Zones

J101.3 Alquist-Priolo Earthquake Fault Zones. This chapter shall also include those requirements set forth in the "Alquist-Priolo Earthquake Fault Zoning Act (Division 2, Chapter 7.5, California Public Resources Code). This Act is intended to represent minimum criteria for all structures that fall within the boundaries as shown on the "Earthquake Fault Zones Maps" as prepared by the California Division of Mines and Geology.

**15.04.120** CBC Appendix J, Section J101.4 is added - Enforcement Authority

J101.4 Enforcement Authority. The Building Official of the City of San Bernardino or his/her designee shall have the authority for the enforcement of IBC Appendix Chapter J and any amendments thereto.

**15.04.130** On-site Improvement Permit

No person shall construct any on-site improvement for motor vehicle parking or vehicle circulation, the disposal of waste through a private sewer main, the conveyance of storm waters, or landscaping and irrigation systems, without first obtaining a permit from the Building Official. A permit issued by the Building Official for the purpose of construction of the improvements set forth herein shall hereafter be known as an on-site improvement permit.

**15.04.140** CBC Appendix J, Section J103.1.1 is added - Preparation of Grading Plans

A grading plan and a grading permit shall be required for any grading activity involving more than 50 cubic yards. All grading plans shall be prepared by a registered civil engineer.

**15.04.150** On-Site Improvement Plans and Specifications

When required by the Building Official, plans and specifications, and verification of land use entitlement shall accompany each application for an on-site improvement permit.

Plans and specifications required by the Building Official shall be prepared and signed by a registered civil engineer. Specifications may be incorporated into the plans as general notes in lieu of a separate document. Verification of land use entitlement requirements

are incorporated into the Grading Policy promulgated by the Community Development and Housing Department.

#### 15.04.160 Information on On-site Improvement Plans

On-site improvement plans shall contain all information set forth in CBC Chapter 1, Section 105.3 and shall include additional information as required by the Building Official.

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#### **15.04.170 On-site Improvement Plan Review and Permit Fee**

When an on-site improvement plan is required to be submitted, a plan review fee shall be paid at the time of submittal of plans and specifications. Items to be reviewed shall be improvements including, but not limited to, paving, curbs, sidewalks, private sewer mains, drainage facilities, landscaping, and irrigation systems.

Fees for each on-site improvement permit shall be paid to the City at the time of permit issuance. Said on-site plan review and permit fees shall be in an amount established by resolution of the Mayor and City Council.

#### **15.04.180 Inspection of On-Site Improvements**

All on-site improvements for which a permit is required shall be subject to inspection by the Building Official or his/her designee.

#### **15.04.190 Bonds Required**

A grading permit shall not be issued unless the applicant has first posted with the Building Official a good and sufficient surety bond, cash, letter of credit (Col) or certificate of deposit in such an amount as the Building Official shall estimate and determine to be necessary to cover the total cost of the project, including corrective work necessary to remove and eliminate geological hazards. The Building Official shall require a written itemized estimate of the costs of the grading. The amount of the required bond, cash, instrument of credit or certificate of deposit, is based on the estimate of cost and shall be given to the owner or applicant prior to the issuance of the permit.

When security for the grading is provided for a development on the site where the grading is to be done, the bond for the grading required shall be released upon submission of evidence by the permittee to the Building Official that the grading work is complete and signed off by the Construction Engineer.

An agreement between the Redevelopment Agency, the Inland Valley Development Agency, or the San Bernardino International Airport Authority, and the City of San Bernardino, approved by the City Attorney and unconditionally providing and guaranteeing that said Agency shall provide those grading and other improvements and

pay the costs thereof required, may be filed with the Building Official as security in lieu of said bond, cash or certificate of deposit wherever said project is located in a redevelopment project area and the agreement recites that the street improvements are in compliance with the

Redevelopment Plan for said area and in furtherance of the public interest in promoting public or private development.

**15.04.200** CBC Appendix J, Section J110.1.1 is added - Planting of Slopes

J110.1.1 Planting of Slopes. The Building Official may waive the planting of any slope less than 5 feet in vertical height. An automatic irrigation system shall be installed for planted slopes unless recommended otherwise in the preliminary soils report or waived by the Building Official. If required by the Building Official, a recommendation for types of planting materials shall be obtained from a Landscape Architect. The Landscape Architect shall, prior to final inspection, provide the Building Official with a statement that the planting has been done in accordance with his recommendations approved by the Building Official.

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**15.04.210** CBC Appendix J, Section J112 is added - Grading Operations

J112.1 General. All parties performing grading operations, under a grading permit issued by the Building Official, shall have verification of land use entitlement and shall take reasonable preventive measures, as directed by the Building Official and incorporated into the Grading Policy promulgated by the Community Development and Housing Department, to avoid earth or other materials from the premises being deposited onto adjacent streets or properties, by the action of storm waters or wind, by spillage from conveyance vehicles or by other causes.

Grading operations of 50 cubic yards or more shall be performed by qualified individuals/entities demonstrating proficiency in grading operations to the satisfaction of the Building Official or the Building officials designated representative or observed and supervised by such an individual. Typical qualified individuals would include a licensed contractor, geologist or engineer.

Existing language does not require qualified individuals.

J112.2 Removal of Materials Within 24 Hours. Earth or other materials which are deposited on adjacent streets or properties shall be completely removed by the permittee as soon as practical, but in any event within 24 hours after receipt of written notice from the Building Official, or NPDES Coordinator, or their designees, to remove the earth or materials, or within such additional time as may be allowed by written notice.

J112.3 Noncompliance. In the event that any party performing grading shall fail to comply with the requirements of this Section, the Building Official shall have the authority to engage the services of a contractor to remove the earth or other materials. All charges incurred for the services of the contractor shall be paid to the City by the permittee prior to acceptance of the grading.

**15.04.220** CBC Appendix J, Section J110.3 is added - Final Reports

J110.3 Final Reports. A statement from the Landscape Architect shall be submitted to the City Engineer stating that the planting and irrigation system(s) have been installed in accordance with his recommendations.

**15.04.230** Driveway Configurations

Driveways to residential garages of more than 30 feet in length shall extend for a minimum distance of 20 feet from the garage on a maximum grade of 5%. Driveways less than 30 feet in length shall have a maximum grade of 8% for a minimum distance of 20 feet from the garage. No portion of a driveway shall exceed a grade of 20%. Driveways shall be designed so that the algebraic difference in grades will not cause a car to drag or hang up.

**15.04.240** Location of Slopes

Slopes shall be positioned on the downhill lot unless waived by the City Engineer.

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**15.04.250** Automatic Fire Sprinklers- Residential Additions

~~The exception listed in Section R313.2 of the 2019 California Residential Code is hereby amended to read: "An automatic fire sprinkler system shall be required for remodel, rehabilitation, repairs or additions where the cumulative square footage of the new work exceeds 50% of the existing square footage as determined by the Chief Building Official."~~

~~That Authority to require passive fire suppression (sprinklers) for residential additions will be determined by the acting Fire Authority based on availability of water and existing hydrants fire flow within the area of the proposed structure.~~

~~The previous language is being removed due to the arbitrary nature of the requirements as stated. (that is to say, a person with a 600 square foot house would require sprinklers for a 400 sq. ft. addition but a person with a 1200 sq. ft. house would not require them for the same addition).~~

**15.04.260** Stop work order

A. Any person, firm or corporation who continues work on a building or structure after a stop work order has been issued by any of the employees listed in San Bernardino Municipal Code Section 9.90.010 A2, 3, 4, 5, 6 or 8, shall be guilty of a misdemeanor.

B. Each day during any part of which the activity prohibited by subdivision (a) of this section continues shall be a distinct and separate offense.

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## **15.05**

### Property Maintenance Code

(Added by Ord. MC-1417, 10-05-15)

#### **15.05.010** Citation of Sections

#### **15.05.102.3** (Repairs, additions or alterations to a structure)

#### **15.05.103.1** (Code Official)

#### **15.05.104.3**

#### **15.05.106.4** (Violation Penalties)

#### **15.05.107.1** (Notice to Person Responsible)

#### **15.05.111** (Appeals)

#### **15.05.112.4** (Failure to Comply)

#### **15.05.201.3** (Definitions)

#### **15.05.302.4** (Weeds)

#### **15.05.302.9** (Defacement of Property Deleted)

#### **15.05.304.3** (Premises Identification)

#### **15.05.304.14**

#### **15.05.304.18**

#### **15.05.307** (Handrails and Guardrails)

#### **15.05.401.3** (Alternative Devices)

**15.05.502.5** (Public Toilet Facilities)

**15.05.505.1** (Public Fixture Connections)

**15.05.602.2** (Heating Facilities)

**15.05.602.3** (Heat Supply, Exceptions 1 & 2 deleted)

**15.05.602.4** (Occupiable Workspaces deleted)

**15.05.604.2** (Service)

**15.05.604.3.1.1** (Electrical Equipment exposed to water)

**15.05.604.3.2.1** (Electrical Equipment exposed to fire)

**15.05.702.1** (General)

**15.05.702.2** (Aisles)

**15.05.702.3** (Locked Doors)

**15.05.704.1** (Fire Protection Systems)

**15.05.704.2** (Smoke Alarms)

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**15.05.010** Citation of Sections

This chapter shall be known as the "Property Maintenance Code," and may be cited as such. For purposes of citation, the International Property Maintenance Code, ~~2018~~ **2021** Edition, published by the International Code Conference; adopted by reference and amended by the City, is renumbered by adding "15.05." before each section.

**15.05.102.3**

**International Property Maintenance Code Section 102. 3** is amended to read as follows:

**102.3** "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code, California Historical Building Code, California Existing Building Code, California Fire Code, California Plumbing Code, ~~Table 2902.1 of the International~~ **California** Building Code, California Mechanical Code, and California Electrical Code. Nothing in this code



shall be construed to cancel, modify or set aside any provision of the San Bernardino Municipal Code."

[Chapter 29 of the California Building Code is not adopted](#)

**15.05.103.1**

International Property Maintenance Code Section **103. 1** is amended to read as follows:

**103.1** "The Chief of Police or the Director of Community Development and Housing Department or their authorized representatives shall be known as the code official as referenced in the International Property Maintenance Code."

**15.05.104.3**

International Property Maintenance Code Section 104.3 is amended to add the following phrase to the end of the last sentence: "including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California."

**15.05.106.4** International Property Maintenance Code Section 106.4 is amended to read as follows:

**106.4** "Violation penalties. Any person violating any of the provisions of this title, including, but not limited to, adopted model codes, as amended in this title, shall be subject to the penalty provisions of Chapters 1.12, 9.92 and 9.93 of the San Bernardino Municipal Code."

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**15.05.107.1**

International Property Maintenance Code Section 107.1 is amended to read as follows:

**107.1** "Notice to Person Responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3, or in the manner provided by San Bernardino Municipal Code Section 9.92.050, to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3."

**15.05.111**

International Property Maintenance Code Section 111 and subsections are amended to read as follows:

111 "The Administrative Law Officer established in Section 9.92.020 of the San Bernardino Municipal Code, shall hear and determine any appeal arising from an action or determination made by the code official relative to the application and interpretation of this code. Section 9.92.130 of the municipal code shall apply to the Administrative Law Officer' s determination. An appeal shall be filed, if at all, in accordance with the requirements and within the time period set forth in Section 9.92.180 of the San Bernardino Municipal Code."

#### **15.05.112.4**

International Property Maintenance Code Section 112.4, Failure to comply, is amended to read as follows: 112.4 Failure to Comply "Any person, firm or corporation who continues work on a building or structure after a stop work order has been issued by any of the employees listed in [SBMC] 9.90.010 A(2, 3, 4, 5, 6 or 8) shall be guilty of a misdemeanor, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each day of the violation. Each day during any part of which the activity prohibited by subdivision 112. 1 of this section continues shall be a distinct and separate offense."

#### **15.05.201.3**

International Property Maintenance Code Section 201.3 is amended to read as follows:

**201.3** Definitions. "Where terms are not defined in this code and are defined in the California Administrative Code, California Building Code, California Residential Code, California Green Building Standards Code, California Energy Code, California

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Historical Building Code, California Existing Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, or California Electrical Code, or any code adopted by reference under Chapter 15 of the San Bernardino Municipal Code, such terms shall have the meanings ascribed to them as stated in those codes."

#### **15.05.302.4**

International Property Maintenance Code Section 302.4, paragraph number one, is amended to read as follows:

302.4 Weeds "Weed and rubbish abatement shall be as set forth in the San Bernardino Municipal Code, Chapter 8.30, Abatement of Public Nuisances."

#### **15.05.302.9**

International Property Maintenance Code Section 302.9, defacement of property, is deleted.

#### **15.05.304.3**

International Property Maintenance Code Section 304.3 is amended to read as follows:

**304.3** Premises Identification "Premises identification shall be as set forth in the San Bernardino Municipal Code sections 12.32.030 and/or 15.16.126."

#### **15.05.304.14**

International Property Maintenance Code Section 304.14 is deleted.

#### **15.05.304.18**

International Property Maintenance Code Section 304.18 is deleted.

#### **15.05.307**

International Property Maintenance Code Section 307, Handrails and guardrails, is amended to read as follows:

**307** Handrails and Guardrails "Every exterior and interior flight of stairs shall have a handrail and guard per the requirements of the adopting code at the time the building was permitted. Handrails and guardrails shall be maintained in a safe and useful condition."

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#### **15.05.401.3**

International Property Maintenance Code Section 401. 3 is amended to read as follows:

**401.3** Alternative Devices "In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code or California Residential Code shall be permitted."

#### **15.05.502.5**

International Property Maintenance Code Section 502.5, Public toilet facilities, is amended to read as follows:

**502.5** Public Toilet Facilities "Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises."

### **15.05.505.1**

International Property Maintenance Code Section 505. 1, Plumbing Fixture Connections, is amended to read as follows:

**505.1** Plumbing Fixture Connections "General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system (~~Waterless urinals shall have an available source of water~~). All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California Plumbing Code."

### **15.05.602.2**

International Property Maintenance Code Section 602.2, Heating Facilities, is amended to read as follows:

**602.2** Heating Facilities "Residential occupancies. Interior spaces intended for human occupancy shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 C) in all habitable rooms."

### **15.05.602.3**

International Property Maintenance Code Section 602. 3, Heat supply, Exceptions #1 and #2 are deleted.

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### **15.05.602.4**

International Property Maintenance Code Section 602.4, Occupiable workspaces, is deleted.

### **15.05.604.2**

International Property Maintenance Code Section 604.2, Service, is amended to read as follows:

**604.2** "Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the California Electrical Code. Dwelling units shall be served by a three- wire, 120/ 240-volt, single-phase electrical service having a rating of not less than 60 amperes."

#### **15.05.604.3.1.1**

International Property Maintenance Code Section 604.3.1.1, Electrical equipment, is amended to read as follows:

604.3.1.1 Electrical Equipment "Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, arc fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Electrical Code. The exception provisions of section 604.3.1.1 of the IPMC are hereby deleted."

#### **15.05.604.3.2.1**

International Property Maintenance Code Section 604.3.2.1, Electrical equipment, is amended to read as follows:

604.3.2.1 Electrical Equipment "Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Building Code, or California Electrical Code."

The exception provisions of section 604.3.2.1 of the IPMC are hereby deleted.

#### **15.05.702.1**

International Property Maintenance Code Section 702.1, General, is amended to read as follows:

702.1 General "General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the California Fire Code, California Residential Code, or the California Building Code, whichever is more restrictive."

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#### **15.05.702.2**

International Property Maintenance Code Section 702.2, Aisles, is amended to read as follows:

702.2 Aisles "Aisles. The required width of aisles in accordance with the California Fire Code, California Residential Code, California Building Code, or Civil Code 304.18, whichever is more restrictive, shall be unobstructed."

### **15.05.702.3**

International Property Maintenance Code Section 702.3, Locked doors, is amended to read as follows:

**702.3 Locked Doors** "Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the California Fire Code, California Building Code, or California Residential Code, whichever is more restrictive."

### **15.05.704.1**

International Property Maintenance Code Section 704.1, General, is amended to read as follows:

**704.1 Fire Protection Systems** "General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the California Fire Code."

### **15.05.704.2**

International Property Maintenance Code Section 704.2, Smoke alarms, is amended to read as follows:

**704.2 Smoke Alarms** "Smoke alarms. Smoke alarms shall be installed and maintained in accordance with the California Fire Code, California Residential Code, or the California Building Code, whichever is more restrictive."

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## **Chapter 15.08**

### **LIQUEFACTION**

Sections:

**15.08.010** Findings

**15.08.020** Purpose

**15.08.030** Scope - Map

**15.08.040** Liquefaction Defined

**15.08.050 Reports Required****15.08.060 Exemptions****15.08.070 Administration and Enforcement****15.08.080 Compliance Required Prior to Issuance of Permits****15.08.090 Appeal****15.08.010 Findings**

Local governing bodies are required to adopt policies for the protection of the community against geologic and seismic hazards pursuant to California Government Code Section 65302. The primary geologic and seismic hazards that could potentially affect San Bernardino include fault rupture, ground shaking historic high ground water, and soil matrix. These hazards could cause liquefaction resulting in extensive property damage and loss of life in susceptible areas of the City. Liquefaction reports plus mitigation measures for new development in susceptible areas will greatly reduce the risk of damage from liquefaction induced building failures during an earthquake occurrence.

(Ord. MC-676, 9-19-89)

**15.08.020 Purpose**

The purpose of this Code is to reduce the potential risk of property damage and loss of life due to liquefaction induced building failures during an earthquake occurrence by requiring liquefaction reports and mitigation measures for development in areas susceptible to liquefaction within this jurisdiction.

(Ord. MC-676, 9-19-89)

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**15.08.030 Scope - Map**

Map is included in the General Plan indicating areas of liquefaction susceptibility. All new development projects, or structural modifications over twenty five percent (25%) of the building area, which are located within the areas of liquefaction susceptibility as determined by the latest adopted edition of the General Plan Map (Map) may be required to provide liquefaction reports and mitigation measures. The liquefaction susceptibility areas indicated on the map have a historic high ground water table within thirty (30) feet of the surface.

(Ord. MC-676, 9-19-89)

**15.08.040 Liquefaction Defined**

Liquefaction is defined as the transformation of a granular material from a solid state into a liquefied state as a consequence of increased pore-water pressures. Soils and clastic sediment with particle size in the medium sand to silt range, as determined by the Unified Soils Classification System, are particularly susceptible to liquefaction when they are saturated with water and shaken by an earthquake. Liquefaction at or near the surface can result in foundation failure and property damage.

(Ord. MC-676, 9-19-89)

**15.08.050 Reports Required**

A. A liquefaction report plus mitigation measures prepared by a Registered Civil Engineer shall be required by the Director of Development Services for new construction or structural modification of more than twenty-five percent (25%) of the building area for the buildings or structures listed below which fall within the high liquefaction susceptibility areas as indicated on the Map:

1. Essential facilities, as defined in ~~Table 1604.4 of the California Building code 2312 (K) of the Uniform Building Code~~, including but not limited to hospitals and other emergency medical facilities, fire and police stations, and government disaster operation and communication centers. [\(Section cited is outdated and incorrect\).](#)
2. Buildings where the primary occupancy is for assembly use for more than fifty (50) persons in one room.
3. Buildings over two stories in height.
4. Buildings with the following occupancies, as listed in the ~~Uniform California~~ Building Code:

[\(Uniform Building Code no longer used\)](#)

- a. Group A, (Assembly) Divisions 1, 2 and 2.1;

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- b. Group E, (Educational) Division 1;
- c. Group H, (High Hazard) Divisions 1 and 2; and
- d. Group I, (Institutional) Divisions 1 and 2.

5. Buildings with an occupant load of more than 300, as determined by ~~Table 33-A of the Uniform Building Code.~~ [Table 1004.1.2 of the California Building Code.](#)



(Code reference outdated and non-applicable)

6. Underground tanks of more than 5,000 gallons, for storage of toxic, hazardous or flammable materials.

7. Tanks with a height of more than 35 feet.

8. Towers with a height of more than 35 feet.

~~B. A liquefaction report plus mitigation measures prepared by a Registered Civil Engineer may be required by the Director of Development Services for new construction or structural modification of more than twenty-five percent (25%) of the building area for the buildings or structures listed below, which fall within the moderately high to moderate liquefaction susceptibility areas as indicated on the Map:~~

~~1. Essential facilities, as defined in Section 2312(K) of the Uniform Building Code, including but not limited to hospitals and other emergency medical facilities, fire and police stations, and government disaster operation and communication centers.~~

~~2. All structures listed in Subsection 15.08.050A, when the Director of Development Services determines a report is needed based on current data.~~

~~(Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)~~

#### ~~15.08.060 Exemptions~~

~~The following buildings and structures shall be exempt from providing a liquefaction report:~~

~~1. A single-family wood frame detached residential structure.~~

~~2. A two-dwelling-unit wood frame single-story attached residential structure.~~

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~~3. Additions up to twenty-five percent (25%) of the area of the original structure, except when the addition increases the occupancy to a level requiring a report under Section 15.08.050.~~

~~4. One- or two-story wood frame structures, whose occupancy is not listed in Section 15.08.050.~~

~~5. A non-essential structure, where the developer has assumed the site will liquefy and has designed for liquefaction. Plans must be signed by a Registered Civil Engineer and contain a statement to the effect that the building has been designed to withstand liquefaction.~~

~~6. Underground storage tanks of 5,000-gallon capacity or more that are designed and installed with flexible couplings and other features designed to provide tank integrity and prevent leakage during seismic events.~~

~~(Ord. MC-676, 9-19-89)~~

Redundant.

#### **15.08.070 Administration and Enforcement**

The Director of Community Development and Housing Department shall promulgate written procedures, regulations, guidelines and fees pertaining to the implementation and enforcement of this Chapter. Such procedures, regulations, guidelines and fees shall not become effective until they have been approved by the Mayor and City Council.

(Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)

#### **15.08.080 Compliance Required Prior to Issuance of Permits**

Any person, business, organization or corporation failing to provide the required liquefaction reports and mitigation measures to the Director of **Community Development & Housing Department** ~~Development Services~~ in compliance with this Chapter shall be denied issuance of grading and building permits.

(Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)

#### **15.08.090 Appeal**

Any interested person aggrieved by the determination of the Director of **Community Development and Housing Department Services** may appeal the decision to the Mayor and ~~Common~~ City Council in accordance with the provisions of Chapter 2.64 of this Code.

(Ord. MC-1027, 9-09-98; Ord. MC-676, 9-19-89)

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## **Chapter 15.10**

### **FOOTHILL FIRE ZONE BUILDING STANDARDS**

Sections:

#### **15.10.020 Purpose**

#### **15.10.030 Very High Fire Hazard Severity Zones**

#### **15.10.040 Scope**

#### **15.10.060 Applicability**

#### **15.10.080 Applicable Building Standards**

#### **15.10.020 Purpose**

The purpose of this Chapter is to promote public safety and welfare by reducing the risk of injury, death, or property damage that may result from wild-land fires in the foothill areas of the City. The building standards contained in this Chapter are intended to prevent the ignition of, or otherwise reduce the spread of fire on developed properties, by controlling the use of materials and methods of construction.

(Ord. MC-1163, 1-23-04; Ord. MC-1162, 1-06-04; Ord. MC-960, 3-06-96)

#### **15.10.030 Very High Fire Hazard Severity Zones**

Very High Fire Hazard Severity Zones are hereby designated in the City of San Bernardino as recommended by the Director of the California Department of Forestry and Fire Protection within the City of San Bernardino as depicted on a map titled City of San Bernardino Very High Fire Hazard Severity Zones dated October 29, 2008, on file at the office of the City Clerk, 300 N. D Street, San Bernardino, California.

(Ord. MC-1309, 7-06-09)

#### **15.10.040 CBC Section 701A.3.2 is added— Existing Structures**

701A.3.2 Existing Structures. For existing structures, retrofitting of an element is required when more than 60% replacement of that element occurs. An addition to an existing

structure need not comply with these standards if the addition does not exceed 60% of the floor area of the existing structure and the existing structure was not required to meet these construction standards when originally constructed. Retrofitting of an entire structure is required when a combination of elements is replaced or other repairs are made equal in value to 60% or more of the replacement cost of the structure as determined by the building official. Alterations made to a structure shall not increase the degree of non-conformity in regard to these standards.

Ord. MC-1395, 1-06-14; Ord. MC-1337, 11-15-10

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### **15.10.060 Applicability**

The requirements of this Chapter shall apply to those properties located in Foothill Fire Zones A, B, or C as defined in Chapter 19.15 and those properties located in a Very High Fire Hazard Severity Zone as designated by the State of California.

(Ord. MC-1262, 12-18-07; Ord. MC-1261, 12-04-07; Ord. MC-1163, 1-23-04; Ord. MC-1162, 1-06-04; Ord. MC-960, 3-06-96)

### **15.10.080 Applicable Building Standards**

The building standards contained in the California Building Code, Chapter 7A, shall apply in the Foothill Fire Zones and in state designated Very High Fire Hazard Severity Zones. In addition, the following requirements shall apply as noted herein:

- A. Fencing shall be of approved noncombustible or ignition-resistant material.
- B. Vinyl window frame assemblies shall have the following characteristics:
  - 1. Frames shall have welded corners and metal reinforcement in the interlock area;
  - 2. Dual-paned insulated glazed units with at least one pane of tempered glass;
  - 3. Frame and sash profiles are certified in AAMA Lineal Certification Program (verified by an AAMA product label or a Certified Products Directory);
  - 4. Certified and labeled to ANSI/AAMA/NWDA 101/I.S.2-97 for structural requirements.
- C. Roof mounted turbine vents shall not be permitted
- D. All roof coverings shall be of non-wood materials with at least a Class A fire-retardant rating.

~~E. All new residential structures located within the High Fire Hazard Severity Zone (except those rebuilt due to damage or destruction from anyone common fire or other catastrophe) shall be provided with automatic fire sprinklers. If the floor area of an existing residential structure is increased more than 60%, then the entire structure must be retrofitted with fire sprinklers. The design and installation of fire sprinklers systems shall be approved by the City Fire Department Authority.~~

This section is not necessary as this requirement now exists in the California Fire, Building and Residential Codes

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F. Paper-faced insulation shall be prohibited in attics or ventilated spaces.

(Ord. MC-1395, 1-06-14; Ord. MC-1337, 11-15-10; Ord. MC-1262, 12-18-07; Ord. MC-1261, 12-04-07; Ord. MC-1163, 1-23-04; Ord. MC-1162, 1-06-04; Ord. MC-960, 3-06-96)

## **Chapter 15.11**

### **BUILDING SAFETY ENHANCEMENT AREA**

#### **BUILDING STANDARDS**

Sections:

15.11.020 Purpose

15.11.040 Scope/Applicability

15.11.080 Building Safety Enhancement Area Building Standards

#### **15.11.020 Purpose**

The purpose of this Chapter is to promote public safety and welfare by reducing the risk of injury, death, or property damage that may result from urban conflagrations spread by high winds. The building standards contained in this Chapter are intended to prevent the ignition of, or otherwise reduce the spread of urban fire by controlling the use of materials and methods of construction.

#### **15.11.040 Scope/Applicability**

The Building Safety Enhancement Area Building Standards shall apply to all newly constructed buildings, structures, or appurtenances outside the Foothill Fire Zones (as defined in Chapter 19.15) and located in any of the following areas:

A. Those areas of the City designated by City Council Resolution after a noticed public hearing as being located within a Building Safety Enhancement Area as follows:

1. Four or more abutting (as defined in Chapter 19.02 of the Development Code) parcels with at least four dwellings with each dwelling damaged over 60% by fire or other catastrophe.

2. All dwellings and commercial structures damaged over 60% by fire or other catastrophe that are located within a block (as defined in Chapter 19.02 of the Development Code) in which 50% or more of the dwellings and commercial structures have each incurred damage over 60% by fire or other catastrophe.

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B. Those new residential housing tracts comprised of four or more dwelling units for which building permit applications are submitted after the effective date of this ordinance.

C. Those new commercial structures that are 5,000 square feet or larger, for which building permit applications are submitted after the effective date of this ordinance.

#### **15.11.080 Building Safety Enhancement Area Building Standards**

A. Exterior walls. Exterior walls shall be constructed of non-combustible materials or shall provide the equivalent to a minimum of 1-hour fire resistance rated construction on the exterior side.

B. Eaves. Eaves shall be enclosed with a minimum 7/8-inch stucco equivalent protection.

C. Exterior glazing. Exterior glazing shall comply with the provisions of the California Building Code and with the following additional requirements:

1. Exterior windows, window walls and glazed doors, and windows within exterior doors, shall be tempered glass, or multi-layered glass panels (dual- or triple-paned), or other assemblies approved by the Building Official.

2. Vinyl window frame assemblies shall be prohibited, except when they have the following characteristics:

a) Frame and sash are comprised of vinyl material with welded corners;

b) Metal reinforcement in the interlock area;

c) Glazed with insulated glass or tempered;

d) Frame and sash profiles are certified in AAMA Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and

- e) Certified and labeled to ANSI/AAMA/NWWDA 101/I.S.2-97 for structural requirements.
- f) Except when needed to meet the requirements of the California Energy Code at Title 24, Part 6 of the California Code of Regulations.

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D. Garage Doors. Garage doors shall be constructed of noncombustible materials or fire-retardant treated wood.

E. Vents.

1. All vents shall be covered with 1/8-inch mesh corrosion-resistant metal screen or other approved material that offers equivalent protection.
2. Roof-mounted turbine vents shall not be permitted.

F. Insulation. Paper-faced insulation shall be prohibited in attics or ventilated spaces.

G. Roof covering. All roof covering shall be of non-wood materials with at least a Class A or B fire-retardant rating. The open ends of high-profile tile roofs shall be capped with non-ignitable material to prevent birds' nests or other combustible material from accumulating. Gutters and downspouts shall be constructed of non-combustible material.

H. Fences. Where wood or vinyl fencing is used, there shall be a minimum of 5' separation between the wood or vinyl fencing and the wall of the nearest structure except on those properties where previous construction occurred pursuant to a previous Code. Fencing within the 5' separation area shall be of non-combustible material or 1-hour fire-resistance-rated construction.

(Ord. MC-1163, 1-23-04; Ord. MC-1162, 1-06-04)

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## **Chapter 15.12**

### **EARTHQUAKE HAZARD REDUCTION IN EXISTING BUILDINGS**

Sections:

**15.12.010 (Repealed by Ord. MC-1262, 12-18-07;  
Ord. MC-1261, 12-04-07)**

**15.12.020 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.030 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.040 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.050 (Repealed by Ord. MC-873, 5-26-93)**

**15.12.060 (Repealed by Ord. MC-873, 5-26-93)**

**15.12.070 (Repealed by Ord. MC-873, 5-26-93)**

**15.12.080 (Repealed by Ord. MC-873, 5-26-93)**

**15.12.090 (Repealed by Ord. MC-873, 5-26-93)**

**15.12.100 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.110 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.120 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.130 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.140 (Repealed by Ord. MC-1053, 8-04-99)**

**15.12.200 Sign Posting**

**15.12.300 Vacant Unreinforced Masonry Buildings**

**15.12.200 Sign Posting**

A. Any building owner who has received actual or constructive notice from the Building Official that a building located in the City of San Bernardino is constructed of unreinforced masonry, shall post in a conspicuous place at the entrance of said building, on a sign not less than 5" x 7" the following statement, pursuant to Government Code Section 8875.8, printed in not less than 30-point bold type:

This is an unreinforced masonry building. Unreinforced masonry buildings may be unsafe in the event of a major earthquake.

B. Pursuant to Government Code Section 8875.9, this section shall not apply to unreinforced masonry construction if the walls are non-load bearing with steel or concrete frame.

C. Section 15.74.010 of the San Bernardino Municipal Code shall not apply to any violation of this section.



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D. If the owner of a building is not in compliance with the posting requirements of subsection A above on or after December 31, 2004, and the owner has received actual or constructive notice from the Building Official that their building is of unreinforced masonry construction and has not been retrofitted to the standards identified in Section 15.12.010, the owner shall post and maintain in a conspicuous place at the entrance of the building, a sign not less than 8"x10" with the following statement, with the first two words printed in 50-point bold type and the remaining words in at least 30-point type:

"Earthquake Warning. This is an unreinforced masonry building. You may not be safe inside or near unreinforced masonry buildings during an earthquake." The posting shall be visible from the exterior entrance of the building.

An owner who is subject to this section and who does not comply with the posting requirements shall be subject to an administrative citation pursuant to San Bernardino Municipal Code Chapter 9.92 and subject to an administrative fine of two hundred and fifty dollars (\$250) no sooner than 15 days after notification by the Building Official that the owner is subject to the administrative fine.

Thereafter, if the owner does not comply with and maintain compliance with the posting requirements, within 30 days of the first administrative fine, the owner shall be subject to an additional administrative citation and an additional administrative fine of one thousand dollars (\$1000).

(Ord. MC-1215, 2-22-06; Ord. MC-1053, 8-04-99)

### **15.12.300 Vacant Unreinforced Masonry Buildings**

A. Any unreinforced masonry building that has been continuously vacant or abandoned for a period of one year or more shall be strengthened to comply with the standards identified in Section 15.12.010 prior to re-occupancy. A vacancy, as determined by the Building Official, has occurred when there is no lawful occupancy or business activity within the structure for one year. The lack of business registration records, business receipts, utility and other records for a given period may be used to determine if a vacancy has occurred.

B. Any unreinforced masonry building that has been continuously vacant or abandoned for a period of three (3) years or more shall be considered a public nuisance and shall be subject to abatement as a public nuisance in accordance with Chapter 8.30 of this Code. Once deemed to be a public nuisance the building shall be strengthened in accordance with the standards identified in Section 15.12.010, or demolished, or the hazards associated with the building shall be otherwise mitigated to the satisfaction of the Building Official.

(Ord. MC-1215, 2-22-06)

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## **Chapter 15.16**

### **UNIFORM FIRE CODE**

(Repealed by Ord. MC-1422, 5-16-16)2

## **Chapter 15.20**

### **CERTIFICATE OF OCCUPANCY**

#### **Sections:**

#### **15.20.010 Purpose**

#### **15.20.020 Definitions**

#### **15.20.030 Certificate of Occupancy Required**

#### **15.20.040 Conditions Requiring Application**

#### **15.20.050 Application Process**

#### **~~15.20.070 Temporary Certificate of Occupancy~~**

#### **15.20.080 Revocation of Certificate of Occupancy**

#### **15.20.090 Hearings**

#### **15.20.100 Connection/Disconnection of Utilities**

#### **15.20.110 Violation**

#### **15.20.010 Purpose**

**The purpose of this Chapter is to protect the public from unsafe and substandard buildings, to prevent the deterioration of buildings, and to prevent future blight and decline of property values through a program of required inspection and certification.**

**(Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)**

### 15.20.020 Definitions

Except as otherwise defined in this Chapter, all terms used in this Chapter which are defined by applicable State law, the Uniform Code, or this Code, are used in this Chapter as so defined, unless from the context it clearly appears that a different meaning is intended:

1. Occupant means any person who occupies a unit, building, structure, or property whether as an owner, or tenant or permittee of the owner.

2. On July 1, 2016 the City of San Bernardino annexed into the San Bernardino County Fire Protection District. The County Fire Code, and other ordinances, were ratified by the Mayor and City Council pursuant to Ord. MC-1422.

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2. Occupancy means the purpose for which a building, structure, or property is used or intended to be used.

3. Owner means any person having a legal or equitable interest in the property.

4. Person means an individual, partnership, corporation, association or organization, or the agent of any of the foregoing.

(Ord. MC-1372, 4-17-12; Ord. MC-1027, 9-09-98; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

### 15.20.030 Certificate of Occupancy Required

A. Buildings and Structures. No relocated, or hereafter erected structure shall be occupied, or no change in occupancy shall be inaugurated until a Certificate of Occupancy has been issued by the Department of Community Development and Housing Department.

B. Valid Certificate. A Certificate of Occupancy ~~or temporary Certificate of Occupancy~~ shall not be deemed to be valid if it has expired, been denied, withheld, revoked, failed to pass a fire inspection, or a new Certificate of Occupancy was required but had not been obtained.

C. Posting Certificate. The owner of the business, building or structure shall display this certificate in a conspicuous place. In addition, the owner of a building or structure shall provide a copy of the certificate to all lessees, renters and purchasers of the property.

~~D. Temporary certificates of occupancy will not be issued within the City of San Bernardino due to previous department experience with the issuance of such certificates~~

and administrative difficulties with the issuance of such certificates and bonding procedures.

(Ord. MC-1373, 5-24-12; Ord. MC-1027, 9-09-98; Ord. MC-782, 5-03-91; Ord. MC-781, 4-22-91; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

#### **15.20.040 Conditions Requiring Application**

A new Certificate of Occupancy shall be required whenever:

1. A new building is constructed.
2. A change in use affecting a building's existing zoning approval or conformity, or a change in the nature of use of a building which would place it in a different occupancy classification, or division thereof.
3. A building or structure has been vacant for more than 180 days.

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4. Whenever a building is ordered to be vacated by the Building Official due to substandard or dangerous conditions.
5. Undeveloped or vacant property is to be used or occupied.

(Ord. MC-1373, 5-24-12; Ord. MC-880, 6-23-93; Ord. MC-782, 5-03-91; Ord. MC-781, 4-22-91; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

#### **15.20.050 Application Process**

A. The owner shall file a written application accompanied by payment of a fee with the Community Development and Housing Department prior to use or occupancy of the premises or thirty (30) days prior to expiration of an existing Certificate of Occupancy or temporary Certificate of Occupancy. The Building Official shall cause an inspection to be made of the premises within ten (10) working days for compliance with City codes. If the premises are in compliance with said codes, the Building Official shall issue a Certificate of Occupancy.

B. When an inspection discloses that the premises are not in compliance with the codes, the Building Official shall give written notice of each deficiency to the owner.

No Certificate of Occupancy shall be issued to the owner until all deficiencies are corrected. If the owner fails to correct all said deficiencies within sixty (60) days after the original application was filed, the application shall expire and a new application, plus fees, will be required.

C. The owner shall be responsible for making the premises available for inspection by the City.

(Ord. MC-1373, 5-24-12 Ord. MC-1027, 9-09-98; Ord. MC-741, 9-17-90; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

### **~~15.20.070 Temporary Certificate of Occupancy~~**

~~If the Building Official finds that no substantial hazard will result from use or occupancy of any building or portion thereof, any structure or any vacant property, and upon a showing of good cause by the owner, the Building Official may issue a temporary certificate of occupancy for up to 180 days. When a temporary certificate of occupancy is issued for more than thirty (30) days, the Building Official shall require a cash bond payable to the City in an amount equal to the cost of doing the required work as determined by the Building Official.~~

Removed due to current City policy to not allow Temporary Certificates of Occupancy. See 15.20.030 section D.

(Ord. MC-1373, 5-24-12; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

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### **15.20.080 Revocation of Certificate of Occupancy**

The Building Official, in writing, may deny or revoke a certificate of occupancy when it is determined that the building, structure, or property is in violation of the codes, or when the certificate was issued in error or on false information supplied by the applicant. The certificate of occupancy is automatically revoked when there is a change of use or occupancy classification, when the building or structure has been vacant for more than 180 days, or when a building is ordered vacated by the Building Official due to substandard or dangerous conditions.

(Ord. MC-1373, 5-24-12; Ord. MC-880, 6-23-93; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

### **15.20.090 Hearings**

Any person aggrieved by the denial, withholding or revoking of a certificate of occupancy or temporary certificate of occupancy by the Building Official may request a hearing in writing before the Hearing Officer.

All decisions of the Hearing Officer may be appealed to the Board of Building Commissioners in accordance with the provisions of Chapter 2.64 of this Code.

(Ord. MC-1373, 5-24-12; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

**15.20.100 Connection/ Disconnection of Utilities**

Buildings, structures or property shall be issued a certificate of occupancy or a temporary certificate of occupancy prior to connection of public utilities. The Building Official may approve the connection of utilities prior to the issuance of a certificate of occupancy when requested in writing by the applicant for good cause shown, and when he finds that no unsafe conditions exist or will be created by such connection.

The Building Official may disconnect or order discontinuance of any utility service to any buildings, structures, or premises lacking a valid certificate of occupancy or a valid temporary certificate of occupancy pursuant to the State Codes.

(Ord. MC-1373, 5-24-12; Ord. MC-880, 6-23-93; Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

**15.20.110 Violation**

Any person who violates or causes the violation of any provision of this Chapter shall be deemed guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

(Ord. MC-1373, 5-24-12 Ord. MC-671, 7-26-89; Ord. MC-670, 7-19-89)

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**Chapter 15.24****PROPERTY MAINTENANCE REQUIREMENTS****Sections:****15.24.010 Findings****15.24.020 Purpose****15.24.030 Definitions****15.24.040 Property Maintenance Requirements For Single Family Residences, Multi-Residential, Commercial and Industrial Property****15.24.050 Enforcement-Penalty****15.24.060 Severability****15.24.010 Findings**

The citizens of San Bernardino have become increasingly concerned with the unsightliness, the deterioration, and the degradation of certain properties, whether residential, commercial or any other zoning designation in their neighborhoods and have sought the help of City government in their effort to preserve their neighborhoods.

Local governments have the authority to establish minimum requirements for property maintenance to protect the health, safety and appearance of neighborhoods. Enforcement of these minimum maintenance requirements can reduce and eliminate blight and deterioration of neighborhoods, protecting both property values and neighborhood integrity.

The Mayor and ~~Common~~ City Council hereby find that the deterioration of neighborhoods by the failure to maintain properties to minimum standards results in an adverse effect on the health, safety and welfare of the citizens of this City.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

#### **15.24.020 Purpose**

The purpose of this Chapter is to establish and enforce minimum maintenance standards for all property within the City in order to protect and preserve neighborhood integrity.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

#### **15.24.030 Definitions**

For the purpose of this chapter, unless otherwise apparent from context, certain words and phrases used in this chapter shall have the meanings hereinafter designated. The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in applicable laws or regulations. All terms used in this chapter which are not defined in this section, but are defined by applicable laws, shall have the same meaning as the definition in the applicable law, unless from context it clearly appears that a different meaning is intended.

1. "Applicable Laws" means any applicable state or federal law, any uniform or state codes adopted by the San Bernardino Municipal Code, including but not limited to the California Building Code, Uniform Housing Code, Uniform Code for the Abatement of Dangerous Buildings, and California Fire Code.

2. "Graffiti" means any inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on real property, buildings, structures (permanent or temporary), or other fixtures thereon, or on any personal property placed on such real property, including vehicles.

3. "Inoperable or Abandoned Vehicle" means any vehicle, operative or inoperative that is:

(a) mechanically incapable of being driven; or

(b) prohibited from being operated on a public street or highway pursuant to the provisions of the California Vehicle Code concerning license plates, registration, equipment, safety and related matters; or

(c) has been left by the owner or responsible person for over seventy-two hours and has indicia of being inoperable, including but not limited to, flat or deflated tires, cobwebs, and accumulated dirt, trash or debris in and on the vehicle; or (d) wrecked and/or dismantled.

4. "Owner" means any person having a legal or equitable interest in the property.

5. "Person" means an individual, partnership, corporation, association or organization, or the agent of any of the foregoing.

6. "Property" means any real property zoned for any of the uses set forth in the Development Code and includes sidewalks and parkways adjacent to the property.

7. "Recreational Vehicle" means any vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes or exclusively for hauling personal property. The term "recreational vehicle" includes, but is not limited to motor homes, fifth-wheels, campers, camp trailers, trailers, boats, watercraft, and all-terrain vehicles.

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8. "Visible" means viewable from the public right of way, from property open to the general public, common areas on a property or viewable from another property in proximity to the property in question.

(Ord. MC-1292, 2-03-09; Ord. MC-1187, 10-05-04; Ord. MC-679, 9-19-89)

#### **15.24.040 Maintenance requirements for single family residences, multi-residential, commercial and industrial property.**

Any person owning, renting, occupying, managing, or otherwise having charge of any single-family residence, multi-residential, commercial and industrial property shall maintain the property in accordance with the following minimum standards. Failure to comply with these minimum standards shall constitute a violation of this Code.

##### **A. Exterior Requirements.**

1. Lack of Landscaping. All required setbacks abutting a public right-of-way and front and visible side yards shall be landscaped (except for improved surfaces including, but not limited to walks and driveways) with trees, shrubs, ground cover, decorative rock, redwood bark and/or grass.



2. Unmaintained Landscaping. Trees, shrubs, lawns and other planted vegetation shall be maintained, including regular irrigation, pruning of trees, trimming of shrubs and cutting of lawns.

3. Weeds, Dry Brush and Overgrown Vegetation. Property shall be free of overgrown or dead vegetation, including, but not limited to weeds, trees or limbs, bushes and other planted vegetation. Weeds include sage brush, dry grass, chaparral and any other brush or vegetation which attains extensive growth and becomes a fire menace when dry.

4. Trash, Debris and Improper Storage. Property shall be free of trash, litter, debris, packing boxes, lumber, junk, salvage materials (except where otherwise permitted by this code), broken or inoperative furniture, appliances, machinery, equipment, any furniture (except for furniture specifically designed for outdoor use) including, but not limited to furniture on porches, balconies, sun decks and in front yards, and any other improperly stored personal property causing an unsightly appearance.

5. Vehicle and Recreational Vehicle Storage. All operable vehicles and recreational vehicles shall be parked or stored in designated, screened areas, a garage, carport or on an improved surface. None of the above shall be occupied.

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6. Inoperable and Abandoned Vehicles. Property shall be free of inoperable or abandoned vehicles and parts of vehicles unless they are safely stored in a garage or other enclosed storage area. This section shall not apply to a vehicle, or part thereof, which is stored or parked in a lawful manner on private property in connection with the lawfully authorized and permitted business of a licensed dismantler, licensed vehicle dealer or a licensed junkyard; provided however that this exception shall not authorize the maintenance of a public or private nuisance as defined by applicable laws.

7. Condition of Structures. All improvements on the property, including, but not limited to buildings, garages, carports, porches, gates, fences, doors, windows, roofs, gutters, signs, permanent or temporary structures, stairs, handrails, retaining walls and trash enclosures shall be painted/preserved and maintained in good repair and condition. Paint or preservatives shall not be worn, peeling or cracking.

8. Improved Surfaces. Walkways on private property, driveways, parking areas and all improved surfaces shall be maintained in good repair and safe condition. Parking lot striping and handicap markings shall be maintained in good condition.

9. Graffiti. Buildings, structures, sidewalks, driveways, other improved surfaces and any other personal property placed on real property, including vehicles, shall be free of graffiti.

10. Rodent and Vermin Control. Property shall be free from infestation of termites, insects, vermin or rodents.

11. Sewage. Improved property shall be properly connected to a sewage disposal system or a sanitary sewer and free from sewage seepage.

12. Pools and Spas Pools and spas shall be securely fenced and adequately maintained in accordance with the Development Code and other applicable laws.

13. Construction. All buildings or structures in a state of partial construction, repair or rehabilitation shall have an active/valid permit and shall be completed during the term of an active/valid building permit or other time frame ordered by the City. The owner or responsible person shall be progressing diligently to complete the repair, construction or rehabilitation of the building or structure.

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14. Fencing. All fencing shall be constructed in compliance with the Development Code and other applicable laws with acceptable fencing materials such as wood, vinyl, masonry or wrought iron.

B. Interior Requirements. The interiors of all buildings and structures on the property, both existing and new, and all parts thereof, shall be maintained in good repair and safe, sanitary conditions in conformance with the building code under which it was built or remodeled and any retroactive codes.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

#### **15.24.050 Enforcement -Penalty**

A. Any person who violates or causes violation of any provision of this Chapter shall be deemed guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

B. Nothing in this Chapter shall be deemed to prevent the City Attorney from commencing a civil action to abate a nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this Chapter; nor shall anything in this Chapter be deemed to prevent the City from commencing a criminal action with respect to the nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this Chapter, or other ordinance, statute or state law.

C. Payment of any fine or service of jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition resulting from the violation. In addition to the above penalties, the Court may order that the guilty party reimburse the City for all costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The Court shall fix the amount of any such reimbursement upon submission of proof of such costs by the City.

(Ord. MC-1292, 2-03-09; Ord. MC-1029, 9-22-98; Ord. MC-679, 9-19-89)

#### **15.24.060 Severability**

The provisions of this Chapter are severable, and if any sentence, section, or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

(Ord. MC-1292, 2-03-09; Ord. MC-679, 9-19-89)

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### **Chapter 15.25**

#### **MULTI-FAMILY RENTAL HOUSING FIRE INSPECTION PROGRAM**

##### **Sections:**

##### **15.25.010 Purpose**

##### **15.25.020 Definitions**

##### **15.25.030 Scope**

##### **15.25.040 Annual Inspection Required**

##### **15.25.050 Administrative Citations**

##### **15.25.080 Enforcement-Public Nuisance**

##### **15.25.090 Enforcement-Alternatives**

##### **15.25.010 Purpose**

The Multi-family Rental Housing Fire Inspection Program is a part of the City of San Bernardino's overall effort to encourage upkeep of multi-family rental housing units. Owners of these types of structures will be required to maintain these units in accordance with applicable housing, building and property maintenance standards as adopted by the City. Recent fires in the City have resulted in property damage, personal injuries, and loss of life in multi-family rental housing units. California Health and Safety Code Section 13146.2 (a) requires city fire departments to inspect multifamily rental housing units annually.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95).

### **15.25.020 Definitions**

A. "City" means the City of San Bernardino.

B. "Occupant" means any person who occupies a unit, whether as an owner or tenant or permittee of the owner.

C. "Multi-family Rental Housing Unit" or "Unit" means any residential dwelling unit, as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing two or more such dwelling units on the same parcel of land and is occupied or intended to be occupied on a rental basis. For the purpose of this Chapter, the following types of dwelling units or facilities are not considered multi-family rental housing units:

a) Hotels or motels (~~transient~~).

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b) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution.

c) Mobile Home Parks.

D. "Multi-family Rental Housing Complex" means a multi-unit residential structure consisting of four (4) or more units existing on one (1) parcel of land.

E. "Owner" means a single individual or entity that has any kind of ownership interest whether as an individual, partner, joint ventures, stock owner, or some other capacity.

F. "Person" means the individual, partnership, corporation or association or the rental agent of any of the foregoing.

G. "Fire Marshal" means the division head of the San Bernardino City Fire Department Fire Prevention Division or his/her designee.

(Ord. MC-1176, 7-22-04; Ord. MC-1027, 9-09-98; Ord. MC-930, 1-11-95)

### **15.25.030 Scope**

The provisions of this Chapter shall apply to all multi-family rental housing complexes containing four or more units on a single parcel.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95)

**15.25.040 Annual Inspection Required**

A. Pursuant to California Health and Safety Code Section 13146.2, any multi-family rental housing complex containing four or more units on a single parcel shall be subject to an annual inspection of the interior and exterior by the Fire Marshal for compliance with applicable sections of state and local fire codes relating to housing, building and property maintenance.

B. The Fire Marshal shall mail written notice to the owner(s) of the multi-family rental housing complex at least three weeks before the scheduled annual inspection. The owner(s) of the multi-family rental housing complex shall give written notice to all tenants at least one week before the scheduled annual inspection.

C. The owner(s) of the multi-family rental housing complex shall pay a fee to the City, in an amount set by Resolution of the City Council, sufficient to pay the costs of the Fire Marshal's annual inspection pursuant to this Chapter.

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D. Any owner(s) of a multi-family rental housing complex who fails to permit the annual inspection by the Fire Marshal pursuant to this Chapter, shall be guilty of an infraction or misdemeanor punishable in accordance with San Bernardino Municipal Code Chapter 1.12.

E. Any owner(s) of a multi-family rental housing complex who fails to pay the fee charged for the costs of the Fire Marshal's annual inspection pursuant to this Chapter, shall be guilty of an infraction punishable in accordance with San Bernardino Municipal Code Chapter 1.12.

(Ord. MC-1176, 7-22-04)

**15.25.050 Administrative Citations**

Where the Fire Marshal's annual inspection pursuant to this Chapter identifies a violation(s) of state or local fire codes relating to housing, building, or property maintenance, the Fire Marshal may issue an administrative citation to the property owner(s) in accordance with San Bernardino Municipal Code Chapter 9.92.

(Ord. MC-1176, 7-22-04)

**15.25.080 Enforcement-Public Nuisance**

It shall be considered a public nuisance to have or maintain any rental property which fails to comply with state and local laws as they relate to fire codes, housing standards, property maintenance, building codes or local zoning requirements. The Fire Marshal shall have the power to require correction of violations identified through the annual

inspection by using the procedure set forth in the California Fire Code Article 1 and Chapter 8.30 of the San Bernardino Municipal Code.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95).

#### **15.25.090 Enforcement-Alternatives**

A. Nothing herein shall prevent the enforcement of this Chapter by criminal, civil or administrative actions either undertaken individually or in conjunction with other remedies.

B. The enforcement of this Chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her obligations under this Chapter.

(Ord. MC-1176, 7-22-04; Ord. MC-930, 1-11-95).

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### **Chapter 15.26**

#### **SINGLE-FAMILY RENTAL PROPERTY INSPECTION PROGRAM**

##### **Sections:**

##### **15.26.010 Purpose**

##### **15.26.020 Applicability**

##### **15.26.030 (Repealed by Ord. MC-1371, 3-20-12)**

##### **15.26.040 Definitions**

##### **15.26.050 Compliance With Business Registration Requirements**

##### **15.26.060 Biennial Inspection Required**

##### **15.26.070 Inspection Fees**

##### **15.26.080 Notice of Inspection**

##### **15.26.090 Violations**

##### **15.26.100 Re-Inspections**

##### **15.26.110 Administrative Citations**

##### **15.26.120 Appeals**

**15.26.130 Self-Certification Program****15.26.140 Complaint-Based Inspections****15.26.150 Voluntary Inspection Requests****15.26.160 Enforcement-Public Nuisance****15.26.170 Enforcement-Alternatives****15.26.180 Penalties****15.26.010 Purpose**

The Single-Family Rental Property Inspection Program is a part of the City of San Bernardino's overall effort to encourage upkeep of all rental property as defined herein. Owners of any rental property will be required to maintain these units in accordance with all applicable laws.

**15.26.020 Applicability**

The provisions of this chapter shall apply to all single-family rental property, as that term is defined herein, within the City. This chapter also applies to the premises on which a rental property is located, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas.

The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable laws. Nothing in this chapter may be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute or this Code, including provisions of uniform codes adopted by reference in this Code.

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**15.26.030 Rebuttable Presumption (Repealed by Ord.MC-1371, 3-20-12)****15.26.040 Definitions**

For the purpose of this chapter, unless otherwise apparent from their context, certain words and phrases used in this chapter shall have the meanings hereinafter designated.

The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in federal or state laws or regulations.

Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of the masculine shall also mean feminine and neuter.

A. "Applicable Laws" means the City's Municipal Code, the California Fire Code, the California Building Code, the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Building and any other laws or regulations relating to the health or safety of City residents or the general public.

B. "City" means the City of San Bernardino.

C. "Director" means the Director of Community Development and Housing Department of the City of San Bernardino or his/her designee.

D. "Occupant" means any person who occupies a rental property, whether as a tenant or permittee of the owner.

E. "Owner" or "Property Owner" means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a rental property whether as an individual, partner, joint venture, stock owner, or ownership interest in some other capacity or the owner's designee. If more than one person or an entity owns the subject real property, owner or property owner refers to each person or entity holding any kind of ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.

F. "Single-Family Rental Property," "Rental Property" or "Rental Unit" means a dwelling unit as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing three or less such dwelling units on the same parcel of land, and is occupied or for occupancy by a person(s) other than the owner of the unit and includes the premises on which said rental property is situated and any common areas, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, walls, swimming pools, hot tubs, and spas. For the purpose of this chapter, the following types of dwelling units or facilities are not considered single-family rental housing units:

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a) Multifamily Rental Housing Complexes as defined in Chapter 15.25 of this Code;

b) Hotels or motels.

c) Condominiums, as defined in Chapter 19.02 of the San Bernardino Development Code, that are used for residential dwellings. This exception only applies if the condominium has a bona fide Homeowner's Association ("HOA"). For purposes of this exemption, a HOA is "bona fide" if the HOA has approved and recorded Covenants, Conditions & Restrictions (CC&R's), holds meetings on a regular (at least bi-monthly) basis and/or contracts with a property management company to ensure the maintenance of the common areas.



c) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution.

d) Mobile home parks.

(Ord. MC-1371, 3-20-12)

#### **15.26.050 Compliance with Business Registration Requirements**

Every property owner subject to this chapter must comply with the business registration requirements of Title 5 of this Code.

(Ord. MC-1371, 3-20-12)

#### **15.26.060 Biennial Inspection Required**

All rental property located in the City shall be subject to an annual inspection by the Director for compliance with applicable laws.

#### **15.26.070 Inspection Fees**

A. Any fees established by this chapter shall be set by separate resolution of the ~~Common~~ City Council and may be adjusted from time to time by the ~~Common~~ City Council to ensure that the fee adequately finances the costs of inspections and enforcement of this chapter.

B. The owner of a rental property shall pay an annual inspection fee to the City sufficient to pay the costs of the Director's annual inspection pursuant to this chapter.

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C. Owners qualified for the Self-Certification Program shall pay the annual inspection fee the first year of participation and thereafter shall not be required to pay the annual inspection fee for the second and third year of participation in the program. If an owner is removed from the Self-Certification Program, he shall become subject to annual inspections and annual inspection fees.

#### **15.26.080 Notice of Inspection**

The Director shall mail written notice of the date and time of the inspection to the owner of the rental property at least three weeks before the scheduled annual inspection.

Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner shall be mailed by certified mail to the owner's last known address as it appears in the records of the County Assessor's Office.

### **15.26.090 Violations**

A. Whenever the Director determines that a violation of this chapter exists, the Director shall give notice of violation and an order to correct the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.

B. Any person who fails to comply with any provisions of this chapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this chapter.

C. Any owner of a rental property, who fails to permit the annual inspection by the Director pursuant to this chapter, shall be in violation of this chapter.

D. Any owner of a rental property who fails to pay any applicable fee(s) established to cover the City's costs pursuant to this chapter shall be in violation of this chapter.

### **15.26.100 Re-Inspections**

A. One or more re-inspections will be conducted to verify that the deficiencies noted by the Director during the annual inspection have been corrected.

B. Violations that were not noted in the initial inspection report but are discovered on the re-inspection due to subsequent damage or deterioration shall be subject to correction.

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### **15.26.110 Administrative Citations**

A. Owners who fail to correct any deficiencies noted during any inspection or reinspection may be subject to an administrative citation in accordance with San Bernardino Municipal Code Chapter 9.92 until all deficiencies have been corrected to the satisfaction of the Director.

B. Issuance of an administrative citation is in addition to any other administrative or judicial (civil or criminal) remedy established by law which may be pursued to address any violation of the Municipal Code.

### **15.26.120 Appeals**

A. Any recipient of an administrative citation may contest the citation by the procedures set forth in Section 9.92.080 of this Code.

B. Any party to an administrative citation hearing may appeal an adverse ruling to the Board of Building Commissioners as set forth in Chapter 9.92.180 of this Code.

**15.26.130 Self-Certification Program**

A. Well-maintained rental property with no outstanding violations of any applicable laws may qualify to participate in the Self-Certification Program. Qualifying properties will not be subject to inspections for a period of three (3) years, provided that conditions of the rental property do not deteriorate during that time to the point where the rental property would no longer meet eligibility standards for the Self-Certification Program.

B. To qualify for the Self-Certification Program, a property owner must:

1. Complete the Self-Certification Program application packet provided by the City; and
2. Pay the annual inspection fee and any other fees required by applicable laws; and
3. Conduct a self-inspection of all exterior and site conditions of all rental property and certify that conditions at the rental property meet the exterior standards listed on the Self-Certification Program's checklist.

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C. Upon receipt of a request from a property owner to participate in the Self-Certification Program and payment of the appropriate fee(s), the City may inspect the rental property. If the Director determines that the property is qualified to participate in the Self-Certification Program a certificate of compliance will be issued and the property owner will not be required to pay the annual inspection fee for the second and third years. Recertification in the Self-Certification Program and payment of the annual inspection fee shall be required every three (3) years.

D. If the Director determines that the property is not eligible to participate in the Self-Certification Program, then the residential rental property shall be subject to inspection and the property owner shall be assessed the annual inspection fee as well as any other applicable fees.

E. At all times, the City shall retain the authority to investigate and address any violation of applicable laws.

F. Any Owner that fails to maintain a rental property to meet all of the standards listed on the Self-Certification Program's checklist shall immediately be removed from the Self-Certification Program and become subject to annual inspections.

G. If an officer determines that a property qualifies for self-certification upon inspecting the property in accordance with this chapter, the property shall be automatically enrolled in the Self Certification Program.

(Ord. MC-1371, 3-20-12)

**15.26.140 Complaint-Based Inspections**

Nothing contained in this chapter shall prevent or restrict the City's authority to inspect any rental property in response to a complaint alleging code violations or violations of applicable laws and to pursue all remedies permissible under this Code or applicable laws.

**15.26.150 Voluntary Inspection Requests**

Nothing contained in this chapter shall be construed to prohibit a property owner or occupant from voluntarily requesting an inspection pursuant to this chapter to determine whether the rental property complies with applicable laws.

**15.26.160 Enforcement-Public Nuisance**

It shall be considered a public nuisance to have or maintain any rental properties that fail to comply with any applicable laws. The Director shall have the power to require correction of violations identified through the annual inspection by using the procedure set forth in Chapter 8.30 of the San Bernardino Municipal Code.

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**15.26.170 Enforcement-Alternatives**

Nothing herein shall prevent the enforcement of this chapter by criminal, civil or administrative actions either undertaken individually or in conjunction with other remedies. The enforcement of this chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her obligations under this chapter.

**15.26.180 Penalties**

A. A violation of this chapter shall be considered a misdemeanor and may be punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010.

B. Any fees established pursuant to this section which are more than 30 days delinquent shall constitute an assessment against the rental property for the inspection of which the fees were billed. Such delinquent fees shall be a lien on the rental property. The Director shall notify the property owner of the affected rental property not less than 30 days prior to notifying the county that a lien will be placed on the property and shall state the amount then owed. If full payment is not received within 30 days after said notice, the Director shall take whatever action is required for the amount due to be included in the next property tax bill assessment for the rental property.

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

(Ord. MC-1266, 4-08-08)

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## **Chapter 15.27**

### **Crime-Free Rental Housing Program**

#### **Sections:**

#### **15.27.010 Purpose**

#### **15.27.020 Applicability**

#### **15.27.030 Definitions**

#### **15.27.040 Scope**

#### **15.27.050 Mandatory Participation**

#### **15.27.060 Landlord Certification**

#### **15.27.070 Inspection Fees**

#### **15.27.080 Notice of Inspection**

#### **15.27.090 Violations**

#### **15.27.100 Re- Inspections**

#### **15.27.110 Administrative Citations**

#### **15.27.120 Appeals**

#### **15.27.130 Complaint-Based Inspections**

#### **15.27.140 Enforcement-Public Nuisance**

**15.27.150 Enforcement-Alternatives****15.27.160 Penalties****15.27.170 Severability****15.27.010 Purpose**

The Crime-Free Rental Housing Program is a part of the City of San Bernardino's overall effort to reduce crime in multi-family rental properties as defined herein. Owners of any multi-family rental property will be required to maintain these units in accordance with all applicable laws.

**15.27.020 Applicability**

The provisions of this chapter shall apply to all multi-family rental property, as that term is defined herein, within the City. This chapter also applies to the premises on which a multi-family rental property is located, including but not limited to parking lots, driveways, landscaping, accessory structures, fences, and walls.

The provisions of this chapter are supplementary and complementary to other provisions of this code and applicable laws. Nothing in this chapter may be construed to limit any existing right of the City to abate nuisances or to enforce any provisions of applicable law, statute or this Code, including provisions of uniform codes adopted by reference in this Code.

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**15.27.030 Definitions**

For the purpose of this chapter, unless otherwise apparent from their context, certain words and phrases used in this chapter shall have the meanings hereinafter designated. The definitions in this chapter are included for reference purposes only and are not intended to narrow the scope of definitions set forth in federal or state laws or regulations.

Words used in this chapter in the singular may include the plural and the plural may include the singular. Use of the masculine shall also mean feminine and neuter.

A. "Applicable Laws" means the City's Municipal Code, the California Fire Code, the California Building Code, the Uniform Housing Code, Uniform Code for the Abatement of Dangerous Building and any other laws or regulations relating to the health or safety of City residents or the general public, as adopted by the City.

B. "City" means the City of San Bernardino.

C. "Director" means the Director of Community Development and Housing Department of the City of San Bernardino or his/her designee.

D. "Occupant" means any person who occupies a multi-family rental property, whether as a tenant or permittee of the owner.

E. "Owner" or "Property Owner" means a single individual, partnership or joint venture or any entity that has any kind of ownership interest in a multi-family rental property whether as an individual, partner, joint venture, stock owner, or ownership interest in some other capacity or the owner's designee. If more than one person or an entity owns the subject real property, owner or property owner refers to each person or entity holding any kind of ownership interest in the property, and the property owners' obligations in this chapter are joint and several as to each property owner.

F. "Multi-family Rental Housing Unit" or "Unit" means any residential dwelling unit, as defined in Chapter 19.02 of the San Bernardino Development Code, in a single structure, or in a group of attached or detached structures containing two or more such dwelling units on the same parcel of land and is occupied or intended to be occupied on a rental basis. For the purpose of this Chapter, the following types of dwelling units or facilities are not considered multi-family rental housing units:

a) Hotels or motels

b) Accommodations in any hospital, extended care facility, residential care facility, convalescent home, nonprofit home for the aged, or dormitory that is owned and operated by an education institution

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c) Mobile Home Parks

G. "Multi- family Rental Housing Complex" means a multi-unit residential structure consisting of four (4) or more units existing on one (1) parcel of land.

### **15.27.040 Scope**

The provisions of this Chapter shall apply to all multi-family rental housing complexes containing four or more units on a single parcel.

### **15.27.050 Mandatory Participation**

A. All multi-family rental property located in the City shall be subject to an annual inspection by the Director for compliance with the Crime-Free Housing Program standards.

B. All property owners and managers of multi-family rental property shall attend the 8-hour crime free housing course presented by the City within eight (8) months of the passage of this ordinance. If a new owner or manager takes over the property, the new property owner or manager shall complete the 8-hour crime free housing course presented by the City within six (6) months of said ownership or employment.

C. The property owner shall use a crime free lease addendum on every unit rented.

The lease addendum shall provide for tenant eviction against tenants that allow or conduct certain prohibited activities (gang, drug, or other specified criminal behavior).

D. The property owner shall provide the City with 24-hour contact information for the property.

### **15.27.060 Landlord Certification**

A. Certification as a Crime Free property is optional. In order for the property owner/landlord to be certified as a Crime Free property under this program, the property owner/landlord shall complete the following phases:

#### **1. Phase I**

a. Owners and onsite Manager(s), where applicable, shall attend an eight-hour crime-free housing course presented by code compliance, police, and fire within one year of notification of the requirement, unless extended by the Director.

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b. Property owner shall use a written lease including the City of San Bernardino Crime-Free Rental Housing Lease Addendum.

c. Property owner shall check the criminal background of all perspective tenants.

d. Property owner shall actively pursue the eviction of tenants who violate the terms of the lease and/or crime- free lease addendum.

#### **2. Phase II**

a. Property owner shall complete an annual security assessment and security improvement inspection to certify that the rental property has met the security Property owner shall complete an annual security assessment and security requirements pursuant to the Principles of Crime Prevention through Environmental Design for the tenant's safety.

b. Property owner shall have no unresolved City code violations within the past year.



### 3. Phase III

a. Property owner shall conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.

B. Certification may be revoked if there are 10 or more calls for service in a one-year period.

#### **15.27.070 Inspection Fees**

A. The annual inspection fee shall be set by separate resolution of the City Council and may be adjusted from time to time by the City Council to ensure that the fee adequately finances the costs of inspections and enforcement of this chapter.

B. The owner of a multi-family rental property shall pay an annual inspection fee to the City sufficient to pay the costs of the Director's annual inspection pursuant to this chapter.

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#### **15.27.080 Notice of Inspection**

The Director shall mail written notice of the date and time of the inspection to the owner of the multi-family rental property at least three weeks before the scheduled annual inspection. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner shall be mailed by regular mail to the owner's last known address as it appears in the records of the County Assessor's Office.

The notice of inspection for the Crime-Free Rental Housing Program shall be combined with the Multi-Family Rental Housing Program notice to the greatest extent possible for the convenience of the property owner.

#### **15.27.090 Violations**

A. Whenever the Director determines that a violation of this chapter exists, the Director shall give notice of violation and an order to correct to the property owner. The notice shall be in writing and shall describe with reasonable detail the violation(s) so that the property owner has the opportunity to correct said violation.

B. Any person who fails to comply with any provisions of this chapter after receiving written notice of the violations(s) and being given a reasonable opportunity to correct such violations(s) shall be deemed to be in violation of this chapter.

C. Any owner of a multi-family rental property, who fails to permit the annual inspection by the Director pursuant to this chapter, shall be in violation of this chapter.

D. Any owner of a multi-family rental property who fails to pay any applicable fee(s) established to cover the City's costs pursuant to this chapter shall be in violation of this chapter.

#### **15.27.100 Re- Inspections**

A. One or more re-inspections may be conducted to verify that the deficiencies noted by the Director during the annual inspection have been corrected.

B. Violations that were not noted in the initial inspection report but are discovered on the re-inspection due to subsequent damage or deterioration shall be subject to correction.

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#### **15.27.110 Administrative Citations**

A. Owners who fail to correct any deficiencies noted during any inspection or reinspection may be subject to an administrative citation in accordance with San Bernardino Municipal Code Chapter 9.92 until all deficiencies have been corrected to the satisfaction of the Director.

B. Issuance of an administrative citation is in addition to any other administrative or judicial (civil or criminal) remedy established by law which may be pursued to address any violation of the Municipal Code.

#### **15.27.120 Appeals**

A. Any recipient of an administrative citation may contest the citation by the procedures set forth in Section 9.92.080 of this Code.

B. Any party to an administrative citation hearing may appeal from an adverse ruling to the Board of Building Commissioners as set forth in Chapter 9. 92. 180 of this Code.

#### **15.27.130 Complaint-Based Inspections**

Nothing contained in this chapter shall prevent or restrict the City's authority to inspect any multi-family rental property in response to a complaint alleging code violations or violations of applicable laws and to pursue all remedies permissible under this Code or applicable laws.

#### **15.27.140 Enforcement-Public Nuisance**

It shall be considered a public nuisance to have or maintain any multi-family rental properties that fail to comply with any applicable laws. The Director shall have the power to require correction of violations identified through the annual inspection by using the procedure set forth in Chapter 8.30 of the San Bernardino Municipal Code.

**15.27.150 Enforcement-Alternatives**

Nothing herein shall prevent the enforcement of this chapter by criminal, civil or administrative actions either undertaken individually or in conjunction with other remedies. The enforcement of this chapter by a criminal, civil or administrative action shall not relieve the property owner of his or her obligations under this chapter.

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**15.27.160 Penalties**

A. A violation of this chapter shall be considered a misdemeanor and maybe punished as such, however, at the discretion of the City Attorney, the violation of any provisions of this article may be filed as an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction, which upon conviction thereof is punishable in accordance with the provisions of

**Section 1. 12.010.**

B. Any fees established pursuant to this section which are more than 30 days delinquent shall constitute an assessment against the rental property for the inspection of which the fees were billed. Such delinquent fees shall be a lien on the rental property. The Director shall notify the property owner of the affected rental property not less than 30 days prior to notifying the county that a lien will be placed on the property and shall state the amount then owed. If full payment is not received within 30 days after said notice, the Director shall take whatever action is required for the amount due to be included in the next property tax bill assessment for the rental property.

**15.27.170 Severability**

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by a court of competent jurisdiction on its face or as applied, such holding shall not affect the validity of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein.

(Ord. MC-1351, 6-06-11)

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## **Chapter 15.28**

### **DANGEROUS BUILDINGS**

#### **Sections:**

**15.28.010 Referenced Code**

**15.28.020 Uniform Code for the Abatement of Dangerous  
Buildings - Amended**

**15.28.030 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.040 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.050 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.060 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.070 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.080 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.090 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.100 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.110 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.120 (Repealed by Ord. MC-880, 6-23-93)**

**15.28.130 (Repealed by Ord. MC-177, 7-07-82)**

**15.28.140 Securing dangerous buildings from entry**

**15.28.150 Abatement of nuisance by Building Official**

**15.28.160 Discontinuance of utilities**

**15.28.170 Filing of notice of pendency of administrative proceedings**

**15.28.180 (Repealed by Ord. MC-460, 5-15-85)**

**15.28.190 Post-disaster Safety Assessment Placards**

**15.28.010 Referenced Code**

The latest edition of the Uniform Code for the Abatement of Dangerous Buildings, as adopted pursuant to section 15.04.020, is incorporated herein, and as hereinafter amended shall govern the identification and abatement of dangerous buildings.

(Ord. MC-880, 6-23-93; Ord. 3481, 3-12-75; Ord. 2291, 3-29-60)

**15.28.020 Uniform Code for the Abatement of Dangerous Buildings** – Amended Chapters 5, 6, 7, 8, and 9 of the Uniform Code for the Abatement of Dangerous Buildings are hereby deleted. Procedures for appeals, hearings, enforcement of orders, and abatements shall be in accordance with Chapter 8.30 of the San Bernardino Municipal Code.

(Ord. MC-880, 6-23-93; Ord. 3481, 3-12-75; Ord. 2291, 3-29-60)

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**15.28.030** (Repealed by Ord.MC-880, 6-23-93)

**15.28.040** (Repealed by Ord.MC-880, 6-23-93)

**15.28.050** (Repealed by Ord.MC-880, 6-23-93)

**15.28.060** (Repealed by Ord.MC-880, 6-23-93)

**15.28.070** (Repealed by Ord.MC-880, 6-23-93)

**15.28.080** (Repealed by Ord.MC-880, 6-23-93)

**15.28.090** (Repealed by Ord.MC-880, 6-23-93)

**15.28.100** (Repealed by Ord.MC-880, 6-23-93)

**15.28.110** (Repealed by Ord.MC-880, 6-23-93)

**15.28.120** (Repealed by Ord.MC-880, 6-23-93)

**15.28.130** (Repealed by Ord.MC-177, 7-07-82)

**15.28.140 Securing dangerous buildings from entry**

A. In addition to the procedures provided for abatement of nuisance caused by dangerous and hazardous structures as set forth in this Chapter, the Building Official or his representative is given summary power to secure from entry any structure which in his discretion he determines to be immediately dangerous or hazardous, or in any other manner injurious to public health or safety. The Building Official may secure such structures using methods at his discretion to accomplish the purpose which is most appropriate under the circumstances. The Building Official shall also post a sign stating in effect "DANGER, DO NOT ENTER" upon the structure in at least one conspicuous place, with the word "DANGER" in letters at least one inch in height.

B. Any person removing such sign without the express written consent of the City of San Bernardino Building Official is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of the San Bernardino Municipal Code.

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C. The Building Official shall, immediately after such action, mail a notice to the owners of the real property upon which the structure is located. Notice shall be mailed to the address as ascertained from title company records, the latest assessment roll of the County Assessor, or if no address is so shown, to the address of the property as such address may be known by the Building Official.

Such notice shall contain the following information:

1. that he has secured the structure;
2. the cost incurred by the City thereby;
3. that he has posted signs as provided by this section;
4. the reasons why he has taken the action;
5. that an appeal may be made within ten days to the Board of Building Commissioners, to be set for hearing at the next regular meeting;
6. that if his action is not annulled by the Board of Building Commissioners, the cost of securing the property shall become a lien upon the real property unless the cost is paid to the City within thirty days of the mailing of the notice;

D. The notice of appeal to the Board of Building Commissioners must be verified under oath or under penalty of perjury and must state the grounds upon which the action of the Building Official is appealed;

1. The Board of Building Commissioners shall hear any evidence or other relevant matter presented by the Appellant or the Building Official at its next regular meeting after the filing of the Notice of Appeal.

2. After hearing all the evidence or upon the report of the Building Official if no appeal is made, the Board of Building Commissioners may confirm, amend, or annul the action of the Building Official.

(a) If the action of the Building Official is annulled, the City at its own expense shall remove any instruments used to secure the structure and any signs stating that the building is unsafe to enter.

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(b) If the Board of Building Commissioners confirms the action of the Building Official in securing the structure, then the cost incurred by the City in securing the structure shall become a special assessment and lien against the property to be determined and collected in accordance with the procedures set forth in Chapter 3.68.\*

(Ord. MC-607, 9-22-87; Ord. MC-228, 12-07-82; Ord. MC-177, 7-07-82; Ord. 3227, 1-04-72; Ord. 2291, 3-29-60)

### **15.28.150 Abatement of nuisance by Building Official**

A. The same procedures provided in Section 15.28.140 for abating nuisances through securing from entry any structure which is determined by the Building Official to be immediately dangerous or hazardous may be used by the Building Official in connection with the summary abatement of all other nuisances upon private property which the Building Official determines in his discretion to constitute an immediately dangerous or hazardous condition **in accordance with California Building Code section 116.**

#### **State applicable law.**

B. The Building Official or his representative may summarily abate conditions found to be a nuisance under subsection (A) in his discretion in the most appropriate manner under the circumstances.

1. The manner of abatement may include, but is not limited to, the following methods: fencing, draining water from swimming pools and filling with appropriate ballast, removing the fire hazards, filling or covering open holes and grading or strengthening landfills or excavations.

2. Although the manner and method used by the Building Official shall be at his discretion, he shall, in making his determinations, seek the most economical method and endeavor not to place an undue economic hardship upon the owners of the property, using only those measures which will eliminate the dangerous and hazardous conditions.

C. The Building Official shall immediately after such abatement action mail notice to the owners as provided in Section 15.28.140. The notice shall include:

1. a description of the action he has taken;
2. the cost thereby incurred by the City, including all administrative costs;
3. the reasons why he has taken the action;
4. that an appeal may be taken within ten days (10) to the Board of Building

Commissioners as provided in Section 15.28.140; and

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5. that if this action is not annulled by the Board of Building Commissioners, the cost of abating the nuisance on the property shall become a special assessment and lien on the property unless the cost is paid to the City within thirty days of the mailing of the notice.

D. Fees for processing demands for information regarding liens imposed under this chapter shall apply in an amount set by resolution of the Mayor and City Council.

E. The procedures hereunder for appeal, hearing, and any other actions shall be as provided in Chapter 3.68\* for determination and collection of the assessment for costs of abatement.

(Ord. MC-1307, 6-02-09; Ord. MC-177, 7-07-82; Ord. 3593, 8-02-76;

Ord. 3227, 1-04-72; Ord. 2291, 3-29-60)

#### **15.28.160 Discontinuance of utilities**

The Building Official may order the discontinuance or disconnection of utilities for unsafe conditions as allowed by the California Building Code.

~~In the event the Building Official causes summary abatement of any condition herein provided and as an alternate method to ensure that payment is made to the City for the costs of such abatement in cases involving abandoned structures, the Building Official is authorized to direct all utility companies to discontinue any utility services or connection to the property upon which the structure is located; and the utility companies shall not reconnect until full payment of such cost is made to the City as determined by the Building Official.~~

**Utilities cannot be held in ransom for payment under state law (California Public Utilities Code 394).**

(Ord. 3227, 1-04-72; Ord. 2291, 3-29-60)

#### **15.28.170 Filing of notice of pendency of administrative proceedings**

At any time after the Building Official has initiated action to locate and serve the owners with the notice and order referred to in Section 401 of the Uniform Code for the Abatement of Dangerous Buildings, or has posted a "Danger" sign upon a structure as provided for in Section 15.28.140, or has begun summary abatement of a nuisance as provided for in Section 15.28.150, the Building Official or the City Engineer may file with the county recorder a notice of pendency of administrative proceedings which shall constitute notice to any subsequent owner, purchaser, encumbrancer of the property described therein or



involved in the proceedings, beneficiary of a trust deed, lienholder, mortgagee, or any other person holding or claiming any interest of any kind in the property described therein who shall be bound by the administrative proceedings, including liability for all amounts and costs and expenses assessed against the property as a lien for abatement in the same manner as if he had been the owner at the time of commencement of the proceedings and had been properly served at that time.

(Ord. MC-880, 6-23-93; Ord. MC-580, 2-04-87; Ord. 3227, 1-04-72; Ord. 2291, 3-29-60)

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### **15.28.180 (Repealed by Ord.MC-460, 5-15-85)**

### **15.28.190 Post-disaster Safety Assessment Placards**

A. Intent. This section establishes standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or man-made disaster. The chapter further authorizes the ~~Planning and Building Services~~ **Community Development and Housing** Department, as well as authorized representatives or designees of that department, to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

B. Application of Provisions. The provisions of this section are applicable, following each natural or man-made disaster, to all buildings and structures of all occupancies regulated by the City of San Bernardino. The Mayor and City Council may extend the provisions as necessary.

C. Definitions.

1. Safety Assessment - A visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy following a natural or man-made disaster.

D. Placards

1. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.

(a) INSPECTED - Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

(b) RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The evaluator who posts this placard will note in general terms the type of

damage encountered and will clearly and concisely note the restrictions on continued occupancy.

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(c) UNSAFE - Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the department that posted the building. Safety assessment teams shall be authorized to enter these buildings at any time. This placard will note in general terms the type of damage encountered.

2. Each placard shall include the ordinance number, the name of the department, its address and phone number, and a statement regarding the manner in which an appeal may be filed.

3. Once it has been attached to a building or structure, a placard shall not be removed, altered, or covered until done so by an authorized representative of the department or upon written notification from the department.

4. Any person removing such placard without the express written consent of the City of San Bernardino Building Official is guilty of a misdemeanor which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of the San Bernardino Municipal Code.

E. Notification. The Building Official shall, as soon as practicable but no later than 30 days from the date of posting, mail a notice to the owner of each building posted as Restricted Use or Unsafe. Such notice shall be mailed to the owner(s) of record of the property as ascertained from the latest assessment roll of the County Assessor. The notice shall include the following information:

1. A statement indicating that the structure has suffered disaster related damage which constitutes a hazard to its occupants, the public, or adjacent property,

2. that the building has been posted with placards in accordance with this section,

3. the restrictions placed on the use or occupancy of the building,

4. a brief description of the damage, (5) that the damage must be repaired and the hazards eliminated prior to re-occupancy, and (6) that an appeal may be filed in accordance with the procedures contained in Chapter 15.28 of this code.

F. Abatements. If a damaged structure becomes a public nuisance due to abandonment or the failure to repair damage which poses a hazard to the occupants, the public, or

adjacent property, the building official may initiate abatement proceedings in accordance with Chapters 8.30 and 15.28 of this code.

(Ord. MC-1018, 2-04-98)

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## **Chapter 15.32**

(Repealed by Ord. MC-781, 4-22-91)

## **Chapter 15.34**

### **REMOVAL OR DESTRUCTION OF TREES**

#### **Sections:**

#### **15.34.010 Findings**

#### **15.34.020 Permit required**

#### **15.34.030 Exceptions**

#### **15.34.040 Application procedure**

#### **15.34.050 Inspection fee**

#### **15.34.060 Violation**

#### **15.34.010 Findings**

~~Public safety and welfare and the protection of the environment requires that certain regulations be adopted pertaining to the removal of trees within the City of San Bernardino.~~

~~(Ord. MC-682, 11-09-89)~~

#### **15.34.020 Permit Required**

~~It is unlawful for any person, firm, corporation, partnership or association, either as owner, agent or otherwise, to cut down, uproot, destroy and/or remove more than five (5) trees within any thirty-six (36) month period from a development site or parcel of property without first being issued a permit from the Development Services Department of the City of San Bernardino.~~

~~(Ord. MC-1027, 9-09-98; Ord. MC-682, 11-09-89)~~

### **15.34.030 Exceptions**

~~A permit shall not be required when a lawful order to remove the trees for Health and Safety purposes has been issued by a local, state or federal government agency, nor shall a permit be required if a removal is to be accomplished by, or under the auspices of a governmental entity or employee(s) thereof. Commercial tree farms are also excepted from this Chapter.~~

~~(Ord. MC-682, 11-09-89)~~

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### **15.34.040 Application Procedure**

~~A. The owner of the property or his agent shall file a written application with the Planning Official prior to the destruction or removal of the trees. The Planning Official shall cause an inspection to be made of the property within ten (10) working days to determine whether the trees can be removed. If it is determined that the trees can be removed without detriment to the environment and welfare of the community, then the Planning Official shall issue the permit. Such permit may be issued subject to reasonable conditions imposed by the Planning Official.~~

~~B. When an inspection discloses that the removal of trees would be detrimental to the environment and harmful to the safety and welfare of the community, the Planning Official shall deny the issuance of a permit.~~

~~C. Any person aggrieved by the denial of a permit by the Planning Official may appeal the decision to the Mayor and Common Council in accordance with the provisions of Chapter 2.64 of this Code.~~

~~(Ord. MC-682, 11-09-89)~~

### **15.34.050 Inspection Fee**

~~Each application for a permit shall be accompanied by an inspection fee which shall be established by resolution of the Mayor and Common Council.~~

~~(Ord. MC-682, 11-09-89)~~

### **15.34.060 Violation**

~~Any person who violates or causes violation of any provision of this Chapter shall be deemed guilty of an infraction or misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of the San Bernardino Municipal Code.~~

~~Any person who violates or causes violation of any provision of this Chapter, in addition to the above fine, shall pay restitution to the City of San Bernardino for unlawful destruction or removal of the trees in an amount not to exceed the replacement value of the trees.~~

Redundant as this language exists in the Development Code

(Ord. MC-682, 11-09-89)

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## **Chapter 15.36**

### **DEMOLITION AND MOVING OF BUILDINGS AND STRUCTURES**

#### **Sections:**

#### **15.36.010 Permit required - Applications**

#### **15.36.020 (Repealed by Ord. MC-460, 5-15-85)**

#### **15.36.010 Permit required - Application**

Any person, firm, or corporation desiring to demolish, dismantle, or tear down any house, building, or structure within the City or to move the same outside the City limits shall, before proceeding with such work, file an application with the ~~Superintendent of~~ the Department of Community and Economic Development ~~Department Services~~ for permit to do so. The Superintendent, if he feels that the granting of such permit is not contrary to public health, safety, and welfare, and if he determines that the applicant has fully complied with and satisfied each and every other applicable provision of local and state law, shall issue such permit; provided, however, that as a condition to the issuance of such permit, the applicant shall pay to the Superintendent a fee in a sum in accordance with the schedule set forth in Section 303 of the ~~Uniform California~~ Building Code which shall be in addition to any other fee required by law, and shall deposit with him a surety bond in the amount of one thousand dollars to ensure the faithful performance by the applicant of the following conditions under which such permit is granted, namely: that upon the moving, demolition, dismantling or tearing down of such house, building or other structure, the lot, parcel, or site shall be cleared of all debris, brick, rock, cement work, foundations, weeds, brush, dead or uncared for trees and vegetation and be filled and graded in accordance with the provisions of Chapter 15.04 in such a manner that storm waters and other waters will not accumulate thereon so that the premises are left in a clean and safe condition as determined by the Director of Community Development and Housing Department ~~Services~~.

Any permit issued under this section shall be further conditioned upon completion of the work of moving or demolition, dismantling, tearing down, filling, grading and cleaning of the site within a period of ninety days from the date of its issuance which period may be extended by the ~~Chief Building Official Inspector~~ upon good cause shown for such additional periods as may be reasonably required to carry out the purposes of the permit. The permit shall not be issued or approved unless and until the applicant has furnished satisfactory evidence to the Superintendent that (1) he has fully complied with the provisions of Section 119(a) of the Uniform Plumbing Code or other law pertaining to the plugging or capping of abandoned sewer outlets;

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2. that he has obtained a permit for such plugging and capping in accordance with Section 1.8 of the Uniform Plumbing Code or other law;

3. that he has completed the plugging and capping thereof in an approved manner as evidenced by a final inspection; and

4. that he has cleaned and filled any abandoned cesspool and has filled and graded the property as required herein.

(Ord. MC-1027, 9-09-98; Ord. 3628, 2-24-77; Ord. 2784, 11-29-66; Ord. 2014, 1-19-54)

**15.36.020** (Repealed by Ord.MC-460, 5-15-85)

## **Chapter 15.37**

### **HISTORIC BUILDING DEMOLITION ORDINANCE**

#### **Sections:**

**15.37.010 Findings and purpose**

**15.37.020 Definitions**

**15.37.030 Demolition Prohibited**

**15.37.040 Dangerous Buildings Exempted Under Exigent**

#### **Circumstances**

**15.37.045 Evaluation Thresholds and Review Requirements**

**15.37.050 Historic Resource Evaluation Report**

**15.37.055 Criteria for Determination of Historical Significance**

## **15.37.060 Review Process**

## **15.37.070 Appeals**

## **15.37.080 Penalty**

## **15.37.085 (Deleted by Ord. Mc-1482, 4-18-18)**

## **15.37.090 Fees**

## **15.37.010 Findings and purpose**

The Mayor and City Council find and declare:

A. The City of San Bernardino General Plan, adopted on November 1, 2005 includes a Historical and Archaeological Resources Element which provides a basis for historic preservation in the City of San Bernardino.

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B. This ordinance is adopted to establish a procedure for consideration of demolition requests for historic buildings and structures as defined herein.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

## **15.37.020 Definitions**

For the purpose of carrying out the intent of this Chapter, the words, phrases and terms set forth herein shall be deemed to have the meaning ascribed to them in this Chapter.

A. Building - Any structure having a roof and walls built and maintained to shelter human activity or property.

B. Demolition - To destroy any building or structure so that it is no longer standing or functional.

C. Report - Historic Resource Evaluation Report, a report that evaluates the historical significance of a resource based upon established criteria.

D. Resource - A building or structure as defined in this Chapter.

E. Structure -

1. Any structure having a roof and walls built and maintained to shelter human activity or property; or,

2. ~~a~~-work made up of independent and interrelated parts that performs a primary function unrelated to human shelter.

F. Survey - Historic Resources Reconnaissance survey (Volumes 1-5 and Attachments, April 30, 1991 and all subsequent revisions), a Citywide survey of buildings and structures constructed prior to December 31, 1941 which provides baseline information regarding the types and locations of resources, approximate construction dates, representative architectural styles, construction materials, and contextual historical themes.

G. The Arts and Historical Preservation Commission - A commission formed by Resolution of the Mayor and City Council whose members are appointed by the Mayor and City Council.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

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### **15.37.030 Demolition Prohibited**

No building or structure fifty (50) years old or older shall be demolished unless a valid Demolition Permit has been issued in accordance with this Chapter.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;

Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

### **15.37.040 Dangerous Buildings Exempted Under Exigent Circumstances**

The demolition of any building or structure fifty (50) years old or older shall be exempt from the provisions of this Chapter if a determination has been made, supported by findings of fact, by the Hearing Officer or the Building Official pursuant to Chapter 15.28 of the Municipal Code declaring that the building or structure is a dangerous building and constitutes an imminent threat to the health and safety of the public. In lieu of immediate demolition of a structure posing an imminent hazard, feasible mitigation measures should be employed where practicable in order to preserve the structure and site until the historical review process is completed.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;

Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

### **15.37.045 Evaluation Thresholds and Review Requirements**

Buildings and structures fifty (50) years old or older proposed for demolition shall be evaluated to determine historical significance. The level of review required shall be



determined in accordance with the following thresholds and requirements which are based upon the Historic Resources Reconnaissance Survey (Volumes 1-5 and attachments, April 30, 1991 and all subsequent revisions):

A. A Historic Resource Evaluation Report (Report) shall be required for any resource identified on a modified California Department of Parks and Recreation (DPR) 523 Form (Volume 3, Appendix B, Resource List and DPR Forms) or located within an area identified as being potentially eligible for Historic District designation and listed as a contributing resource (Volume 3, Appendix C, Historic Districts and Overlay Zones, Items 1. through 4).

B. A Historic Resource Evaluation Report may be required for any resource listed on the Tabular List and located within the boundaries of an area identified in the Survey as being potentially eligible for Historic Overlay Zone designation (Volume

3, Appendix C, Historic Districts and Overlay Zones, Items 5 through 13) Using the criteria established in Section 15.37.055 of this Chapter, the Director of Community Development and Housing Department shall evaluate demolition proposals for these resources to determine the requirement for a Report.

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C. Demolition Permit Applications for buildings and structures which are listed only on the Tabular List or not included in the Survey shall not require a Report unless the Director of Community Development and Housing Department determines that a Report is required based upon new historical or cultural information not contained in the Survey. When required, Historic Resource Evaluation Reports shall be prepared in accordance with Section 15.37.050 of this Chapter.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09;

Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

### **15.37.050 Historic Resource Evaluation Report**

A Historic Resource Evaluation Report required as a submittal for a Demolition Permit Application shall contain the following elements:

A. Purpose and Scope

B. Methods of Evaluation: Field and Archival

C. Location and Setting

D. Architectural Description of the Resource

E. Historical Background

F. Discussion of Eligibility for NR listing

G. Statement of Significance

H. Conclusions

I. Recommendations (may include proposed mitigation)

J. Archival Documentation (Appendices)

The Statement of Significance element (Item G. above) shall be made using the criteria listed in Section 15.37.055 of this Chapter and shall include a discussion of the related historical contextual themes. The archival documentation (Item J. above) of the resource shall include a completed DPR 523 Form and archival quality photo documentation. This information shall be included as an appendix to the Report.

Preparation and submittal of the Report shall be the responsibility of the applicant. All Reports shall be prepared by consultants who meet the professional qualification standards for the field of Historic Preservation as described in the Federal Register.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-1027, 9-09-98; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

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### **15.37.055 Criteria for Determination of Historical Significance**

1. The building or structure has character, interest or value as a part of the heritage of the City of San Bernardino; or,
2. The location of the building or structure is the site of a significant historic event; or,
3. The building or structure is identified with a person(s) or group(s) who significantly contributed to the culture and development of the City of San Bernardino; or,
4. The building or structure exemplifies a particular architectural style or way of life important to the City; or,
5. The building or structure exemplifies the best remaining architectural type in a neighborhood; or,
6. The building or structure is identified as the work of a person whose work has influenced the heritage of the City, the State or the United States; or,

7. The building or structure reflects outstanding attention to architectural design, detail materials or craftsmanship; or,
8. The building or structure is related to landmarks or historic districts and its preservation is essential to the integrity of the landmark or historic district; or,
9. The unique location or singular physical characteristics of the building or structure represents an established and familiar feature of a neighborhood; or,
10. The building, structure or site has the potential to yield historical or archaeological information.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

### **5.37.060 Review Process**

1. Director Review - The Director of Community Development and Housing Department shall determine whether to issue a Demolition Permit for an Application which does not require a Report in accordance with Evaluation Thresholds B. and C. and the requirements specified in Section 15.37.045 of this Chapter.

2. The Development and Environmental Review Committee (DERC) Review -An Initial Study (pursuant to the California Environmental Quality Act) shall be prepared for a Demolition Permit Application when a Historical Resource Evaluation Report is required in accordance with Section 15.37.045, Subsections A. - C. of this Chapter.

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The Report may be included as an attachment to the Initial Study or referenced in the Initial Study. The Initial Study shall be reviewed by the DERC for an environmental determination in compliance with the provisions of the California Environmental Quality Act, and applicable City requirements. Following the DERC review, the application and the environmental determination shall be reviewed by the Arts and Historical Preservation Commission.

3. Arts and Historical Preservation Commission Review - The Arts and Historical Preservation Commission shall receive notification of Demolition Permit Applications for which a Historic Resource Evaluation Report is prepared for their review and make recommendations to the Planning Commission regarding the historic significance of resources and the approval or denial of applications.

4. Planning Commission Review - A Demolition Permit Application for which a Historic Resource Evaluation Report and Initial Study are prepared shall be scheduled for review by the Planning Commission within forty-five (45) days of the DERC's environmental

determination. The Planning Commission shall review Demolition Permit Applications to determine the historical significance of the resource based upon the criteria set forth in Section 15.37.055 of this Chapter. The Planning Commission may also consider the National Register criteria for evaluation.

Based upon the information provided, the Planning Commission shall take action on the environmental determination and approve or deny the issuance of the Demolition Permit. The Planning Commission's review must be completed within 30 days of the first public hearing before the Planning Commission or the Application shall be forwarded to the Mayor and City Council.

When a Demolition Permit Application is denied because of a determination of historical significance, the Planning Commission shall forward that recommendation to the Mayor and City Council.

If the Planning Commission approves the Demolition Permit Application, the Demolition Permit shall be issued in accordance with the Planning Commission action and following compliance with the provisions of this Chapter and all other City requirements.

5. Effective Date of Permit - Demolition Permits shall become effective 16 days following the final date of action (i.e., approval) by the Director or the Planning Commission unless an appeal has been filed pursuant to Section 15.37.070, which shall stay the issuance of the Demolition Permit until after the Appeal is decided

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

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### **15.37.070 Appeals**

Any person may appeal the decisions of the Director of Community Development and Housing Department pursuant to this Chapter to the Planning Commission. Decisions of the Planning Commission pursuant to this Chapter may be appealed to the Mayor and City Council.

An appeal must be submitted in writing with the required appeal fee (if applicable) to the Community Development and Housing Department within fifteen (15) days following the final date of the action for which an appeal is made. The written appeal shall include the reason(s) why the Historic Resource Evaluation Report should or should not be required; or why the Demolition Permit Application should be granted, denied or exempt from the provisions of this ordinance.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-1027, 9-09-98; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

**15.37.080 Penalty**

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Sections 1.12.010 and 1.12.020 of this Code in addition to any other civil or administrative remedies.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

**15.37.085 (Deleted by Ord. MC-1482, 4-18-18)****15.37.090 Fees**

Upon submittal of a Demolition Permit Application to the Community Development and Housing Department, the applicant shall pay all applicable Planning Division fees in the amounts as adopted by resolution of the Mayor and City Council for an Initial Study and for the Planning Commission review. The applicant shall pay all required Building Inspection Division fees in the amounts as adopted by resolution of the Mayor and City Council prior to issuance of a Demolition Permit. The applicant shall also pay all fees required by other governmental agencies prior to issuance of a Demolition Permit.

(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

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(c) UNSAFE - Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the department that posted the building. Safety assessment teams shall be authorized to enter these buildings at any time. This placard will note in general terms the type of damage encountered.

2. Each placard shall include the ordinance number, the name of the department, its address and phone number, and a statement regarding the manner in which an appeal may be filed.

3. Once it has been attached to a building or structure, a placard shall not be removed, altered, or covered until done so by an authorized representative of the department or upon written notification from the department.

4. Any person removing such placard without the express written consent of the City of San Bernardino Building Official is guilty of a misdemeanor which upon conviction thereof

is punishable in accordance with the provisions of Section 1.12.010 of the San Bernardino Municipal Code.

E. Notification. The Building Official shall, as soon as practicable but no later than 30 days from the date of posting, mail a notice to the owner of each building posted as Restricted Use or Unsafe. Such notice shall be mailed to the owner(s) of record of the property as ascertained from the latest assessment roll of the County Assessor. The notice shall include the following information:

1. A statement indicating that the structure has suffered disaster related damage which constitutes a hazard to its occupants, the public, or adjacent property,
2. That the building has been posted with placards in accordance with this section,
3. The restrictions placed on the use or occupancy of the building,
4. a brief description of the damage, (5) that the damage must be repaired and the hazards eliminated prior to re-occupancy, and (6) that an appeal may be filed in accordance with the procedures contained in Chapter 15.28 of this code.

F. Abatements. If a damaged structure becomes a public nuisance due to abandonment or the failure to repair damage which poses a hazard to the occupants, the public, or adjacent property, the building official may initiate abatement proceedings in accordance with Chapters 8.30 and 15.28 of this code.

(Ord. MC-1018, 2-04-98)

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(Ord. MC-1482, 4-18-18; Ord. MC-1306, 6-02-09; Ord. MC-850, 9-09-92; Ord. MC-694, 12-18-89)

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## **Chapter 15.38**

(Repealed by Ord. MC-880, 6-23-93)

## **Chapter 15.40**

(Repealed by Ord. MC-880, 6-23-93)

## **Chapter 15.44**

**(Repealed by Ord. MC-880, 6-23-93)**

## **Chapter 15.48**

### **SWIMMING POOLS**

#### **Sections:**

**15.48.010 Public policy**

**15.48.020 Person defined**

**15.48.030 Fence required**

**15.48.040 Gates and doors - Specifications**

**15.48.050 Distance between inside of pool and rear lot line**

**15.48.060 Distance between pool fence and nonconforming fence**

**15.48.070 Soils engineering reports**

**15.48.080 Exemptions**

**15.48.090 Modifications and variances**

**15.48.100 Existing pools**

**15.48.110 (Repealed by Ord. MC-460, 5-15-85)**

**15.48.010 Public policy**

It is found, declared, and determined that private swimming pools shall be fenced as a precautionary measure to prevent severe hazard to the health, safety, and welfare of the inhabitants of the City, particularly children.

(Ord. 2431, 4-02-62)

**15.48.020 Person defined**

For the purpose of this Chapter, "person" shall include, but not be limited to, any individual, firm, association, partnership, trust, corporation, political subdivision within the City, or other form of organization whether operating for profit or otherwise.

(Ord. 2431, 4-02-62)

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#### **15.48.030 Fence required**

Each person in possession of land within the City, as owner, purchaser under contract, lessee, tenant, licensee or otherwise, upon which is situated a swimming pool or other out-of-doors body of water or structure designed, constructed or used, or capable of being used, for swimming or bathing, having a depth in excess of eighteen inches, shall maintain on the premises, completely surrounding the pool or body of water, a fence or wall not less than four feet in height. There shall be no openings, holes, or gaps in the fence or wall larger than four inches square, except that if a picket fence or other fence constructed of vertical members is maintained, the open space between the pickets or vertical members shall not exceed four inches horizontally and shall be not less than thirty-six inches vertically. **This fence must be non-climbable with** openings, holes, or gaps and **shall** not to be constructed or maintained in a horizontal series constituting steps or other means of access. A dwelling house or accessory building may be used as part of the required fence or wall.

(Ord. 3971, 9-24-80; Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

#### **15.48.040 Gates and doors - Specifications**

All gates or doors opening through the required enclosure shall be not less than four feet high. Gates or doors shall be equipped with a self-closing and self-latching device located within three inches of the required height of fence or wall. Closing and latching devices shall be designed to **keep be self-closing** and capable of keeping the door or gate securely closed at all times when not in actual use. **These requirements are to include pedestrian doors with direct access to the rear yard from the garage.** No gate or door across a driveway providing access to any required parking area may open into the area between a fence or wall and the pool or body of water.

**A garage pedestrian door acts as a gate to open areas and therefore is required to be self-closing/latching.**

(Ord. 3971, 9-24-80; Ord. 2431, 4-02-62)

#### **15.48.050 Distance between inside of pool and rear Side and rear lot line**

Any swimming pool constructed after the effective date of the ordinance codified in this Chapter shall be constructed so that there shall be at least five feet between the inside or poolside face of the swimming pool and side or rear lot line. No mechanical equipment shall be placed nearer than five feet to any side **or rear** lot line.

(Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

(Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

#### **15.48.070 Soils engineering reports**



A. Prior to issuance of a swimming pool permit, the building official may require that the swimming pool plans shall be reviewed by an approved soils engineer. All reports shall be subject to approval by the building official, and supplemental reports and data may be required as he may deem necessary. Recommendations included in the report and approved by the building official shall be incorporated in the swimming pool plans by the permittee.

B. Swimming pools constructed of materials that are subject to failure by deterioration, tears or rips shall not be so located so that a failure would possibly endanger any private property or result in the deposition of debris in any public way.

(Ord. 3031, 12-09-69; Ord. 2431, 4-02-62)

#### **15.48.080 Exemptions**

All swimming pools which are completely contained within the walls of a building shall be exempt from the provisions of the fencing requirements.

(Ord. 3474, 1-22-75; Ord. 2431, 4-02-62)

(Ord. MC-1027, 9-09-98; Ord. 2431, 4-02-62)

#### **15.48.100 Existing pools**

Swimming pools in existence on the effective date of the ordinance codified in this Chapter shall be fenced in accordance with the requirements of this Chapter on or before July 1, 1962.

(Ord. 2431, 4-02-62)

**15.48.110** (Repealed by Ord. MC-460, 5-15-85)

#### **Chapter 15.52**

(Repealed by Ord. MC-781, 4-22-91)

#### **Chapter 15.55**

#### **~~CITY ASSUMPTION OF CODE ENFORCEMENT IN MOBILE HOME PARKS~~**

(Repealed by Ord. MC-1379, 10-15-12)

#### **Chapter 15.56**

(Repealed by Ord. MC-781, 4-22-91)

1. Enforcement of Title 25 provisions within Mobile Home Parks will be administered by the State of California Department of Housing and Community Development. This would encompass the alteration or installation of any factory constructed structure.

2. Municipal code enforcement within Mobile Home Parks may be administered by the City's Municipal Code Enforcement Division. This would include any freestanding structures or unsafe, insanitary conditions at the park itself.

3 For statutory provisions on mobile homes, see Health and Safety Code §18000 seq.

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## **Chapter 15.57**

### **Cultural Development Construction Tax**

#### **Sections:**

#### **15.57.010 Purpose**

#### **15.57.020 Definitions**

#### **15.57.030 Cultural Development Construction Tax imposed**

#### **15.57.040 Time of payment**

#### **15.57.050 Tax- Place of payment**

#### **15.57.060 Disposition of cultural development construction taxes**

#### **15.57.070 Severability**

#### **15.57.010 Purpose**

The purpose of this Chapter is to provide for the payment of a tax applicable to new construction or reconstruction of commercial structures to provide funds for the promotion of fine art culture and other cultural enhancements as the Mayor and City Council may direct. Enhancement of the cultural development is deemed to be a public benefit to all citizens of the community.

(Ord. MC-1451, 12-20-17; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

#### **15.57.020 Definitions**

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

A. "Commercial structure" shall mean any building or structure all or part of which contains a commercial or industrial use permitted by this Code; provided, however, "Commercial

Structure" shall not include any building or structure constructed or reconstructed for the elderly and handicapped pursuant to Title 15 of this Code, or pursuant to Title 25 or 26 of the California Code of Regulations.

B. "Construction cost" shall mean the total value of all construction or reconstruction work on a commercial structure as determined by the Director of Community Development and Housing Department pursuant to Section 15.04.080 of this Code in issuing a building permit for such construction or reconstruction.

C. "New Construction" shall mean all new commercial construction.

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D. "Reconstruction" shall mean additions, alterations, repairs or remodels made to an existing commercial structure. Reconstruction is required to conform to the requirements for new buildings pursuant to the ~~Uniform~~ California Building Code and Title 15 of this Code. Reconstruction necessitated by natural disaster or accidental damage shall not be subject to this Chapter provided, however, that damage in the normal course of business shall be included.

(Ord. MC-1451, 12-20-17; Ord. MC-1027, 9-09-98; Ord. MC-768, 3-12-91; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

### **15.57.030 Cultural Development Construction Tax imposed**

A. A cultural development construction tax is imposed on the privilege of New Construction or Reconstruction as defined in Section 15.57.020 Subsections C and D. Such tax shall be equal to one-half (1/2) of one (1) percent of the Construction Cost.

B. Notwithstanding the foregoing provisions, the tax shall not be imposed and charged for any permit for which an application together with two sets of complete plans and specifications as required by Sections 301 and 302 of the ~~Uniform~~ California Building Code are filed and approved with the City prior to September 8, 1986, provided that the applicant has paid all plan check fees prior to that date.

C. No cultural development construction tax shall be charged for the first Reconstruction of any Commercial Structure up to its previously existing square footage, if the previously existing Commercial Structure was voluntarily demolished by the property owner after Code Enforcement has issued a Notice of Violation/Abatement.

(Ord. MC-1451, 12-20-17; Ord. MC-1175, 7-22-04; Ord. MC-768, 3-12-91; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

**15.57.040 Time of payment**

The cultural development construction tax required in Section 15.57.030 to be paid shall be due and payable upon issuance by the City of a building permit for the New Construction or Reconstruction of any Commercial Structure; provided, however, that there shall be a refund of such tax in the event that the building permit expires, within the meaning of Section 302 (d) of the latest edition of the **Uniform California** Building Code adopted in the City, within thirty days after the date of such expiration, upon written application for such refund by the person who paid such tax setting forth in full the facts showing that such permit has expired. The full amount due under this Chapter shall constitute a debt to the City. An action for the collection thereof may be commenced in the name of the City in any court having jurisdiction of the cause.

(Ord. MC-1451, 12-20-17; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

**15.57.050 Tax- Place of payment**

The tax shall be paid to the Building Official of the City or his/her authorized agent in the Community Development and Housing Department of the City.

(Ord. MC-1451, 12-20-17; Ord. MC-1027, 9-09-98; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

**15.57.060 Disposition of cultural development construction taxes**

The funds derived from this tax shall be placed in the General Fund with identification as to the source, so that the Mayor and City Council may consider appropriate expenditures in its annual budget for allocation to cultural development activities in the City or such other uses as the Mayor and City Council may direct. The use of the funds shall be reviewed annually by the Mayor and City Council.

(Ord. MC-1451, 12-20-17; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

**15.57.070 Severability**

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Chapter.

(Ord. MC-1451, 12-20-17; Ord. MC-650, 1-19-89; Ord. MC-542, 9-11-86)

**Chapter 15.60**

(Repealed by Ord. MC-880, 6-23-93)

**Chapter 15.64**

(Repealed by Ord. MC-84, 7-21-81)

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## **Chapter 15.68**

### **WASHERS, DRYERS, EXTRACTORS, AND COMPRESSORS**

#### **Sections:**

#### **15.68.010 Purpose**

#### **15.68.020 Permit for installation - Fee**

#### **15.68.030 Operation prohibited when excessive ground vibration occurs**

#### **15.68.040 Distance of commercial laundry compressor from other buildings**

#### **15.68.050 Requirements in addition to building code and other laws**

#### **15.68.060 (Repealed by Ord. MC-460, 5-15-85)**

#### **15.68.010 Purpose**

The purpose of this Chapter is to regulate the installation, operation and maintenance of equipment or machinery, including but not limited to washers, dryers, extractors and washer extractors of fifty-five-pound capacity or larger, and compressors.

(Ord. 3064, 4-07-70)

#### **15.68.020 Permit for installation - Fee**

A. No person, firm or corporation shall install any equipment or machinery without first obtaining a permit from the Department of ~~Community Development and Housing~~ ~~Department of Development Services~~. The fee for such permit shall be ten (\$10.00) dollars. Such fee shall be in addition to and supplemental to any other fee charged for the installation of such equipment or machinery.

B. A design drawing and calculations shall be submitted with the application for a permit showing all information pertaining to the equipment or machinery which is necessary for a determination of foundation requirements in order that it may operate efficiently, safely, and with a minimum of vibration. A requirement of installation based on the design shall be that the ground vibration inherently and recurrently generated does not cause a displacement of the earth greater than .033 of one inch as measured at any point radially in any plane from the foundation, as determined by the City Engineer.

(Ord. MC-1027, 9-09-98; Ord. 3064, 4-07-70)

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**15.68.030** Operation prohibited when excessive ground vibration occurs

A. No person shall operate any of the above equipment or machinery which due to faulty installation, maintenance or operation causes a ground vibration in excess of that described in Section 15.68.020. If in the opinion of the City Engineer equipment or machinery presently in operation does cause such excessive vibration, the Superintendent of the Public Works Department may require the operator to submit all the information required for an original installation of such equipment or machinery.

B. If such information shows to the satisfaction of the City Engineer that the existing installation of such equipment or machinery does not meet the required standards, changes and modifications of installation shall be required to obtain compliance with the standards before the operation of the equipment or machinery may be continued.

(Ord. MC-1027, 9-09-98; Ord. 3064, 4-07-70)

**15.68.040** Distance of commercial laundry compressor from other buildings

Any commercial laundry compressor maintained outside of the commercial building on the premises shall be at least seventy-five feet from any other building occupied as a residential dwelling unless provision is made to completely enclose the compressor in accordance with the minimum standards set forth in a drawing marked "commercial laundry compressor" on file in the Public Works Department, City Hall, San Bernardino, California.

(Ord. MC-1027, 9-09-98; Ord. 3064, 4-07-70)

**15.68.050** Requirements in addition to building code and other laws

The requirements of this Chapter are in addition and supplemental to any other requirements set forth in the ~~Uniform California~~ Building Code or other laws.

(Ord. 3064, 4-07-70)

**15.68.060** (Repealed by Ord.MC-460, 5-15-85)

**Chapter 15.72**

(Repealed by Ord. MC-781, 4-22-91)

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## **Chapter 15.73**

### **VERDEMONT AREA - INFRASTRUCTURE FEE**

#### **Sections:**

**15.73.010 Findings and determination**

**15.73.020 Rules of construction**

**15.73.030 Definitions**

**15.73.040 Persons subject to Infrastructure Fee**

**15.73.050 Infrastructure Fee**

**15.73.060 Time of payment**

**15.73.065 Deferral**

**15.73.070 Establishment of Infrastructure Fee Fund**

**15.73.080 Use of funds**

**15.73.090 Refunds**

**15.73.100 Penalties**

**15.73.110 Severability**

**15.73.120 Other fees**

**15.73.010 Findings and determination**

The Mayor and ~~Common-City~~ Council hereby find and determine as follows:

A. The City of San Bernardino (the "City") must provide for the acquisition, construction and installation of certain right-of-way and related infrastructure improvements (as hereinafter defined and as hereinafter referred to as the "Right-of-Way Improvements") and certain other public improvements (as hereinafter described and as hereinafter referred to as the "Public Improvements") within the Verdemon~~t~~ Area of the City in order to maintain current levels of service if new development is to be accommodated without decreasing current levels of service and in order to ensure that the infrastructure system is in conformity with the requirements of the City's General Plan.

B. It is in the interests of the present landowners within the Verdemon~~t~~ Area and the residents, both within the Verdemon~~t~~ Area and within the City generally, that the City

causes the acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements within the Verdemont Area;

C. The imposition of infrastructure development fees (the "Infrastructure Fees") is one of the preferred methods of ensuring that development in the Verdemont Area bares a proportionate share of the cost of capital facilities necessary to accommodate such development in order to effectively provide the quality and extent of infrastructure required within the Verdemont Area;

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D. Development within the Verdemont Area will (i) generate increased traffic volumes necessitating the acquisition, construction and installation of the Right-of-Way Improvements and (ii) create a need for the acquisition, construction and installation of the Public Improvements;

E. Revenues generated from the levy of the Infrastructure Fees will be used to facilitate the acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements which in turn will allow for the future development of property within the Verdemont Area by providing additional traffic flow capacity and other public improvements;

F. The Infrastructure Fees established by Section 15.73.050 of this Chapter shall be calculated pursuant to a resolution duly adopted by the Mayor and ~~Common City~~ Council simultaneously herewith (the "Resolution"). The Infrastructure Fees established by this Ordinance and as calculated pursuant to the Resolution are derived from, and based upon, and do not exceed the costs of undertaking the acquisition, construction and installation of the Right-of-Way Improvements;

G. It is anticipated that certain excess revenues may be generated through the levy of the Infrastructure Fees for the acquisition, construction and installation of the Right-of-Way Improvements, and to the extent such revenues are generated, such revenues as are in excess of the amount required for the acquisition, construction and installation of the Right-of-Way Improvements shall be used for the purposes of funding the acquisition, construction and installation of the Public Improvements as defined in Section 15.73.030(e); provided, however, that if such excess revenues are not generated, then the Infrastructure Fees established by Section 15.73.050 of this Chapter and calculated pursuant to the Resolution will be increased in accordance with the terms of the Resolution or any subsequent resolution adopted by the Mayor and the ~~Common City~~ Council of the City in order to cause the funding of the acquisition, construction and installation of the Public Improvements;

H. That certain engineers report entitled "Engineers Report - Right-of-Way Improvements - Verdemont Area" (the "Engineers Report") sets forth the scope and extent of the Right-of-Way Improvements and the Public Improvements required in the Verdemont Area and



sets forth a reasonable methodology and analysis for the determination of the impact of development on the need for, and costs of, acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements in the Verdemon Area;

I. This Chapter shall apply only to that area of the City known as the Verdemon Area and is intended to assist in the continued development of the Verdemon Area;

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J. The purpose of this Chapter is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide Right-of-Way Improvements and Public Improvements within or for the benefit of the Verdemon Area; and

K. The City has the authority to enact this Chapter pursuant to Section 66000, et seq., of the California Government Code and Sections 40 (z) and 40 (aa) of the Charter of the City of San Bernardino.

(Ord. MC-707, 3-19-90)

### **15.73.020 Rules of Construction**

A. The provisions of this Chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

B. For the purposes of administration and enforcement of this Chapter, unless otherwise stated in this Chapter, the following rules of construction shall apply to the text of this Chapter:

1. In the case of any difference of meaning or implication between the text of this Chapter and any caption, illustration or summary table, the text shall control.

2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

3. Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates to the contrary.

4. The word "person" includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.

5. The word "includes" shall not limit the term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. MC-707, 3-19-90)

**15.73.030 Definitions**

A. "Verdemont Area" is defined as that area of the City of San Bernardino delineated by the Verdemont Area Plan adopted by the Mayor and ~~Common~~ City Council on November 17, 1986, excepting therefrom that area southwesterly of Kendall Drive, from the southerly boundary of the Verdemont Area Plan to Palm Avenue and portions north of Kendall Drive and southeasterly of Pine as shown in the Engineer's Report, and southwesterly of Route I-215 Freeway, from Palm Avenue to the northerly boundary of the Verdemont Area Plan and as more fully described in the Engineer's Report.

B. "Development" shall mean every project for which either (i) a building permit is required, except that it shall not include those projects increasing either the size or value of a single-family residence by twenty-five percent (25%) or less, or (ii) a permit is required in connection with the installation of a mobile home.

C. A "Fee Payer" shall mean a person commencing a land development activity which generates traffic, necessitates the construction of additional publicly owned facilities or improvements and which requires the issuance of a building permit or a permit for the installation of a mobile home.

D. "Right-of-Way Improvements" shall mean the acquisition, construction and installation of full width streets including, full-width paving, curbs and gutters, sidewalks, streetlights, sewer mains, storm drains, catch basins and water mains in the following locations and all as more fully described in the Engineer's Report.

Portions of Palm Avenue between Kendall Drive and Verdemont Avenue which portions are immediately adjacent to undeveloped projects

Walnut Avenue

Irvington to Belmont

Belmont to Ohio (portions)

Olive Avenue

Verdemont Avenue to Ohio

Ohio to Belmont (portions)

Belmont to Irvington

Magnolia Avenue

Verdemont Avenue to Little League Drive

Little League Drive

Irvington to Verdemont

Meyers Road

Little League Drive to New Section

New Section to Cable Canyon

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Irvington

Pine to Olive (portions)

Olive to Magnolia

Belmont Avenue

Pine to Olive (limited portions)

Olive to Palm (portions)

Palm to just past Little League Drive

Ohio Avenue

Pine to Palm (portions)

Palm to west of Little League Drive

Verdemont Avenue

Little League Drive to

Palm Avenue

Palm to Pine (portions)

Frontage Road

Palm to City Limits (Devore)

Cable Canyon Road

Meyers Road to Frontage Road (new roadway)

E. "Public Improvements" shall mean the acquisition, construction and installation of drainage facilities, park facilities, fire station facilities and landscaping, all as more fully described in the Engineer's Report.

F. "Engineer's Report" shall mean that certain Engineer's Report prepared for the Verdemont Area dated January 3, 1990.

G. "Equivalent Dwelling Unit" shall refer to a numerical value designation for residentially zoned property whereby one (1) Equivalent Dwelling Unit is equivalent to a residential unit whether such residential unit be a single family attached or detached unit, or multi-family unit within a multi-family structure, or a mobile home. For land uses other than residential uses, the Equivalent Dwelling Unit shall equal the density of residential units that could be built per acre as determined by the zoning of the immediately adjacent or, if not immediately adjacent, the most proximate residentially zoned property.

(Ord. MC-707, 3-19-90)

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#### **15.73.040 Persons Subject to Infrastructure Fee**

Any person who seeks to develop land within the Verdemont Area by applying for a building permit, an extension of a building permit, a permit for a mobile home installation, or an extension of a permit for mobile home installation to make improvements to land which will generate additional traffic or increase the need for public facilities is hereby required to pay an Infrastructure Fee in the manner set forth in this Chapter.

(Ord. MC-707, 3-19-90)

#### **15.73.050 Infrastructure fee**

The Infrastructure Fee for any given parcel of property shall be determined by ascertaining the land use category of the parcel and multiplying the amount of the Infrastructure Fee by the number of Equivalent Dwelling Units allocated to such land use category. The initial amount of the Infrastructure Fee shall be set by the Resolution, and may be subject to increase pursuant to the terms of any subsequent resolutions to be adopted by the Mayor and ~~Common~~ City Council, which resolutions shall provide for increases to the Infrastructure Fee in order to cover any administrative and carrying costs incurred in connection with the issuance of bonds required in order to finance the acquisition, construction and installation of all or any portion of the Right-of-Way Improvements and/or the Public Improvements.

It is anticipated that there may be certain excess revenues generated in connection with the levy of the Infrastructure Fee in the initial dollar amounts and to the extent any such excess revenues do exist, said excess revenues will be applied to fund the costs of the acquisition, construction and installation of the Public Improvements. To the extent said excess revenues do not exist, the Infrastructure Fee in the dollar amount as initially established, may be subject to additional increases by subsequent resolutions of the

Mayor and City Council in order to cause the funding of the acquisition, construction and installation of the Public Improvements.

The above-referenced subsequent resolutions and the dollar amount of the Infrastructure Fee initially established pursuant to this Chapter and the Resolution shall be reviewed and amended at least annually, or more often as may be necessary under the circumstances to reflect any increases in costs.

A. For applications for an extension of a building permit or an extension of a permit for mobile home installation, the amount of the fee is the difference between the fee then applicable and any amounts previously paid in connection with the application for the initial permit.

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B. In the case of change of use, rehabilitation, expansion or modification of an existing use which requires the issuance of a building permit or permit for mobile home installation, the Infrastructure Fee shall be based upon the net positive increase in the demands placed upon the Right-of-Way Improvements and the Public Improvements by the new or expanded use compared to the previous use or level of use.

(Ord. MC-707, 3-19-90)

### **15.73.060 Time of Payment**

A. Except as may otherwise be provided in subsection (b) hereof, each applicant for a commercial or industrial building permit shall pay to the City the then applicable Infrastructure Fee, as initially established pursuant to this Chapter and adjusted pursuant to any subsequent resolutions of the City as more fully described in

Section 15.73.050 hereof, upon the submission to the City of an application for a commercial or industrial building permit, which application is complete and, in a form, acceptable to the City. Each applicant for a residential building permit who submits an application, which application is complete and, in the form, acceptable to the City, shall pay to the City the then applicable Infrastructure Fee, as initially established pursuant to this Chapter and adjusted pursuant to any subsequent resolutions of the City as more fully described in Section 15.73.050 hereof, for all residential units subject to a building permit upon the earlier of the following dates:

(i) upon the date of final inspection of the first dwelling unit completed in the residential development to which the building permit is applicable, or

(ii) upon the date a certificate of occupancy is issued for the first dwelling unit completed in the residential development to which the building permit is applicable.

In the event the City accepts any payment of Infrastructure Fees in connection with the submission of a building permit application, which application is incomplete or not in a form satisfactory to the City, all payments made in connection with such application shall be returned to the applicant and such applicant shall be required to submit a complete and acceptable application, and, at the time of such submission, shall pay any then applicable Infrastructure Fees. Notwithstanding any provision herein to the contrary, the City, by official action of the Mayor and ~~Common~~ City Council, may require the payment of applicable Infrastructure Fees for residential units prior to the approval of a final tract or parcel map applicable to residential development if one of the following conditions are met:

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1. The ~~Director of Development Services of the City~~ City Engineer has determined that the applicable Infrastructure Fee will be collected from the sub-divider for public improvements or facilities for which an account has been established and funds have been appropriated, and for which the City has adopted a proposed construction schedule or plan, or

2. The applicable Infrastructure Fee will reimburse the City for expenditures previously made by the City. All applicants for permits for the installation of mobile homes will be subject to the procedures applicable to residential developments set forth hereinabove.

B. Any person or entity who would otherwise be required to pay the Infrastructure

Fee pursuant to paragraph (A) hereinabove may receive as a credit towards the Infrastructure Fee attributable to such person or entity, all or a portion of the costs of any Right-of-Way Improvements or Public Improvements that may be or may have been acquired, constructed or installed by such an entity.

C. All funds collected shall be promptly identified as Right-of-Way/Public Improvement Infrastructure Fees and promptly transferred for deposit in the appropriate Right-of-Way/Public Improvement Infrastructure Fee Fund to be held in a separate account and, together with interest earnings thereon, used solely for the purposes specified in this Chapter.

D. Notwithstanding anything in this section to the contrary, for any subdivision for which a final map has been approved prior to the effective date of this Chapter the fee established pursuant to Section 15.73.050 may be paid at the close of escrow on each individual lot, unless a later time is allowed by this Chapter.

(Ord. MC-1027, 9-09-98; Ord. MC-707, 3-19-90; Ord. MC-755, 11-21-90)

**15.73.065 Deferral**

For the construction of new single-family homes, the fees imposed by Section

**15.73.060** may be deferred at the request of the owner of the property until the release of utilities is issued or eighteen (18) months from the issuance of the Building Permit, whichever is less. The owner of the property must personally guarantee payment of the fees, sign documents authorizing the City to place a lien on the property in the amount of the fees, agree to place the payment of the fees in any escrow for the sale of the property, authorize the City to demand payment in any such escrow, and pay an administrative fee set by resolution of the Mayor and **Common City** Council. The amount of the fees due shall be the amount in effect at the time of collection of the fees. In no event shall utilities be released until the fees are paid, except that electrical service may be released at the discretion of the building official where necessary for security or maintenance purposes.

(Ord. MC-1045, 4-20-99; Ord. MC-1044, 4-07-99; Ord. MC-1011, 12-16-97; Ord. MC-961, 3-20-96)

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**15.73.070 Establishment of Infrastructure Fee Fund**

There is hereby established a Right-of-Way/Public Improvement Infrastructure Fee Fund. The funds withdrawn from this account must be used in accordance with the provisions of Section 15.73.080 of this Chapter.

(Ord. MC-707, 3-19-90)

**15.73.080 Use of Funds**

A. Funds collected from the Infrastructure Fees shall be used for the purpose of causing the acquisition, construction and installation of the Right-of-Way Improvements and/or Public Improvements within the Verdemont Area, as more specifically described in the Engineer's Report.

B. No funds collected pursuant to this Chapter shall be used for periodic or routine maintenance.

C. Funds may also be used to pay debt service on bonds or similar debt instruments issued in order to provide financing for the acquisition, construction and installation of the Right-of-Way Improvements and/or the Public Improvements for which the Infrastructure Fee may be expended.

(Ord. MC-707, 3-19-90)

**15.73.090 Refunds**

Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the Infrastructure Fee was paid shall, upon application of the then current landowner, be returned to such landowner with accrued interest thereon, provided the landowner submits an application for refund to the City Finance Officer within one hundred eighty (180) days of the expiration of the six-year period.

(Ord. MC-707, 3-19-90)

**15.73.100 Penalties**

A violation of this Chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Chapter.

(Ord. MC-707, 3-19-90)

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**15.73.110 Severability**

If any Section, phrase, sentence or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or portions hereof shall be deemed to be a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

(Ord. MC-707, 3-19-90)

**15.73.120 Other Fees**

Notwithstanding the payment of Infrastructure Fees as set forth in this Chapter, any developer or Fee Payer shall be responsible for the payment of any applicable installation fees, sewer connection fees, water acquisition charges or other fees or charges levied by the City and all other public bodies in connection with the development of property within the Verdemont Area, and such developer or Fee Payer shall either:

(i) provide for the acquisition, construction and installation of any and all other public improvements required by the City of such developer or Fee Payer as a condition to approval of any development which are in addition to both

(a) the Right-of-Way Improvements to be funded by the Infrastructure Fees as established by this Chapter in the initial dollar amount and



(b) the Public Improvements to be funded by subsequent increases to the Infrastructure Fees or as established by this Chapter in the initial dollar amount,

(ii) pay any other on or off-site improvement fees, assessments or special taxes as may be levied by the City as a condition to the approval of any development in lieu of the actual acquisition, construction or installation of public improvements as set forth in (i) above.

Unless a developer or Fee Payer has provided for the payment of Infrastructure Fees in an amount to provide for the acquisition, construction and installation of the Right-of-Way Improvements and the Public Improvements, plus any financing costs if applicable, or has constructed a proportionate share of the Right-of-Way Improvements and the Public Improvements, such developer or Fee Payer shall not be relieved from the obligation to participate in any benefit assessment district or special tax district established for the purpose of funding that portion of the Right-of-Way Improvements and/or the Public Improvements not covered by the Infrastructure Fees as may have been previously paid by a developer or Fee Payer.

(Ord. MC-707, 3-19-90)

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## **Chapter 15.74**

### **VIOLATION - PENALTY**

#### **Sections:**

#### **15.74.010 Violation - Penalty**

#### **15.74.010 Violation - Penalty**

A. Any person, firm or corporation whether as a principal, agent, employee or otherwise who erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes a building or a structure for which a building permit is required by this title and the adopted codes, and for which a permit has not been obtained from the Building Official, or otherwise violates any provision of the adopted codes, or this Title, shall be guilty of either an infraction or a misdemeanor. Any person, firm or corporation whether as a principal, agent, employee or otherwise, violating or causing the violation of any provision of the Fire Code is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the provisions of Section 1.12.010 of this Code.

B. Each day during any part of which the activity prohibited by Subdivision A of this section continues, or a violation of the adopted codes continues to exist shall be a separate and distinct offense. The imposition of any penalty for any violation of this Title shall not excuse the violation or permit it to be continued, and all persons shall be required to

correct or remedy all such violations or defects within a reasonable time. The application of any penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. MC-1262, 12-18-07; Ord. MC-1261, 12-04-07; Ord. MC-728, 5-08-90; Ord.

**SECTION 22.** Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 23.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

**SECTION 24.** Certification. City Clerk of the City of San Bernardino shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under section 36933 of the Government Code of the State of California.

**SECTION 25.** CEQA. The City Council finds that the amendments to the Municipal Code, made pursuant to this Ordinance, are exempt from the California Environmental Quality Act ("CEQA") because they do not constitute a project within the meaning of CEQA Section 15378. The amendments herein have no potential for resulting in physical change to the environment, directly or indirectly. The City further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. These amendments do not allow any new activities, but merely adopt updated language. Staff is hereby directed to file a Notice of Exemption with the San Bernardino County Clerk's Office within five (5) working days of the adoption of this Ordinance.

**APPROVED** and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 18<sup>th</sup> day of September, 2024.

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**Helen Tran**, Mayor City of San Bernardino

Attest:

\_\_\_\_\_

Genoveva Rocha, MMC, City Clerk

Approved as to form:

\_\_\_\_\_

Sonia Carvalho, City Attorney

## CERTIFICATION

STATE OF CALIFORNIA)

COUNTY OF SAN BERNARDINO) ss

CITY OF SAN BERNARDINO)

I, Genoveva Rocha, MMC, City Clerk, hereby certify that the attached is a true copy of **Ordinance No. \_\_\_\_\_**, introduced by the City Council of the City of San Bernardino, California, at a regular meeting held the 18<sup>th</sup> day of September, 2024. **Ordinance No. \_\_\_\_\_** was approved, passed and adopted at a regular meeting held the 18<sup>th</sup> day of September, 2024, by the following vote:

<b><u>Council Members:</u></b>	<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>ABSENT</u></b>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSA	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this \_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Genoveva Rocha, MMC, City Clerk