

**ORDINANCE NO. 2008-383**

**AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 8.81 TO TITLE 8 RELATING TO PUBLIC NUISANCES AND AMENDING BIG BEAR LAKE MUNICIPAL CODE SECTIONS 8.91.010 AND 8.91.040 RELATING TO THE ABATEMENT OF DANGEROUS BUILDINGS AND SECTION 15.36.010 PERTAINING TO FIRE RETARDANT ROOF COVERINGS; AND ADDING SECTION 8.91.050 AND SECTIONS 15.40.680, 15.40.690, 15.40.700, 15.40.710, 15.40.720, 15.40.730, 15.40.740, AND 15.40.750 TO THE BIG BEAR LAKE MUNICIPAL CODE AND AMENDING THE CALIFORNIA FIRE CODE RELATING TO WOOD SHAKE SHINGLE ROOFING**

WHEREAS, pursuant to the Big Bear Lake Municipal Code Sections 15.04.010 and 15.40.010, the City has adopted by reference various portions of the 2007 California Building Standards Code, and the 2007 California Fire Code, subject to particular additions, amendments and deletions as set forth in the Municipal Code; and

WHEREAS, Section 18941.5 of the California Health and Safety Code allows a local governing body to modify state building standards and to establish more restrictive standards if it determines such building standards are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City of Big Bear Lake has a Community Wildfire Protection Plan (CWPP), developed in collaboration with the United States Forest Service, California Department of Forestry, San Bernardino County Fire Department, Big Bear Lake Fire Department, Big Bear City Fire Department and the Big Bear Valley Fire Safe Council, which recommends as a pre-disaster mitigation "the removal of existing shake shingle roofs" due to data that supports non-flammable roofing as being approximately 3.68 times more effective at preventing structural ignition in wildland fire situations, and this ordinance will affect three of the defined CWPP Wildland Urban Interface (WUI) Management Units – Millcreek, Big Bear Lake and Moonridge; and

WHEREAS, the City Council of the City of Big Bear Lake finds that adding Chapter 8.81 (Wood Shake Shingle Roofs) to Division VI (Nuisances) Title 8 (Health and Safety), and amending Sections 8.91.010 and 8.91.040 of Chapter 8.91 (Abatement of Dangerous Buildings) and Section 15.36.010 of Chapter 15.36 (Fire Retardant Roof Coverings) of the Municipal Code; and the addition of Section 8.91.050 of Chapter 8.91 (Abatement of Dangerous Buildings) and Sections 15.40.680, 15.40.690, 15.40.700, 15.40.710, 15.40.720, 15.40.730, 15.40.740 and 15.40.750 to Chapter 15.40 (California Fire Code) of the City of Big Bear Municipal Code are reasonably necessary because of climatic, geological and topographical conditions existing in the City; and

WHEREAS, this City Council further finds that it is reasonably necessary to enact this Ordinance to meet the particular climatic, geological, and topographical conditions existing in the City; and that these climatic, geological, and topographical conditions include, but are not limited to the following conditions:

(1) The City is subject to periods of relatively low amounts of precipitation and low humidity levels, and high temperatures, particularly in the summer when the temperature can exceed 90 degrees. These climatic conditions are conducive to the spread of drought conditions and fires.

(2) The winds channeled by the valleys of the San Bernardino Mountains, which result in strong offshore and downslope winds, are commonly referred to as the "Santa Ana Winds," which can reach speeds of 60 miles per hour. The Santa Ana Winds are characterized by warm temperatures, low relative humidity and low-level wind shears.

(3) The City is located in an area which due to its climate, geology, and topography is highly susceptible to fires, strong winds and extreme weather conditions such as wind driven rain and snow.

(4) The combination of the bark-beetle infestation in the San Bernardino Mountains, dense brush and increased human habitation in the City has resulted in substantial fire hazards to homes and residents; and

WHEREAS, strong wind conditions, dry weather and dry vegetation contributed to the loss or damage of approximately 150,000 acres and 1,100 homes in the surrounding area resulting from the San Bernardino County fires in the Fall of 2003, including the Grand Prix Fire and Old Fire; and

WHEREAS, strong wind conditions, dry weather, and dry and dense native brush and shrubs contributed to the loss or damage of approximately 12,759 acres and 272 homes in the Slide Fire, 1,247 acres and 200 structures in the Grass Valley Fire, and 14,039 acres and three structures in the Butler 2 Fire, in September and October of 2007; and

WHEREAS, these fires have resulted in tragic loss of lives along with enormous property losses; and

WHEREAS, in the City of Big Bear Lake there is residential and commercial development subject to the City's wind and weather conditions and anticipated development which will be subject to the same; and

WHEREAS, the August 17, 2001 edition of the Federal Register identified the City of Big Bear Lake as a community at high risk from a wildfire; and

WHEREAS, the Big Bear Lake Fire Protection District Board has adopted Ordinance No. FP2008-16 adopting the provisions of this Ordinance affecting the 2007 California Fire Code, and has forwarded such Ordinance to the City Council for ratification pursuant to Health & Safety Code Section 13869.7; and

WHEREAS, the City Council, in adopting this Ordinance, hereby ratifies Ordinance No. FP2007-13 of the Big Bear Lake Fire Protection District; and

WHEREAS, the City Council of the City of Big Bear wishes to amend the Municipal Code to address these dangers to the citizens of Big Bear Lake and the surrounding community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 8.81 (Wood Shake Shingle Roofs) of Division VI (Nuisances) of Title 8 (Health and Safety) of the Big Bear Lake Municipal Code is hereby added to read as follows:

**“Chapter 8.81 Wood Shake Shingle Roofs**

**Section 8.81.010 Findings**

A. The City Council hereby finds and declares that Wood Shake Shingle Roofs, as defined in Section 15.40.070 of Title 15 of the City of Big Bear Lake Municipal Code, are a severe fire hazard and danger to the lives, health, property and safety of the residents of the City of Big Bear Lake and the surrounding communities.

B. The City Council hereby finds and declares that Wood Shake Shingle Roofs are comprised of materials that create a unique and significant fire hazard and danger to an extent that they constitute a public nuisance, as set forth by Section 3480 of the California Civil Code, because they are injurious to the health and safety of and substantially endanger the entire Big Bear Lake community.

C. The City Council hereby finds and declares that five (5) years is a reasonable amount of time for all existing buildings or structures within the City of Big Bear Lake with Wood Shake Shingle Roofs to install roofs comprised of fire retardant materials in compliance with Section 15.36.020 of the Municipal Code.

**Section 8.81.020 Wood Shake Shingle Roofs – Public Nuisance.**

Beginning on September 1, 2012, all Wood Shake Single Roofs, as defined in Section 15.40.070, on properties or structures located within the City of Big Bear Lake shall be abated as a public nuisance and a dangerous building by the City Building Official in accordance the procedures set forth in Chapter 15.40.”

**SECTION 2.** Sections 8.91.010 of Chapter 8.91 (Abatement of Dangerous Buildings) of Chapter 8 (Health and Safety) of the City of Big Bear Lake Municipal Code is hereby amended in its entirety to read as follows:

**"Section 8.91.010 Uniform code adoption – Copies on file**

A. The City of Big Bear Lake adopts in its entirety the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.

B. There shall be a copy of the Uniform Code for the Abatement of Dangerous Buildings available for public inspection at the public counter of the building and safety department during normal working hours."

**SECTION 3.** Sections 8.91.040 of Chapter 8.91 (Abatement of Dangerous Buildings) of Chapter 8 (Health and Safety) of the City of Big Bear Lake Municipal Code is hereby amended in its entirety to read as follows:

**"Section 8.91.040 Claims for costs and expenses.**

The expense costs referred to in Section 901 of the Uniform Code shall include those of the director of administrative services and the city attorney, if such expenses are determined reasonable and necessary under Section 904, and such costs reported by the director of public works shall be identified separately from all other expenses. A separate statement of the director of administrative services and, as applicable, the city attorney shall be attached where such costs and expenses are claimed. Such expenses shall likewise include the costs of the appeals board, if convened."

**SECTION 4.** Section 8.91.050 is hereby added to read as follows:

**"Section 8.91.050 Amendments to the Uniform Code – Chapter 3**

Subsection 19 shall be added to Chapter 3, Section 302, of the Uniform Code for the Abatement of Dangerous Buildings (1997) to read as follows:

19. Whenever any building or structure contains a wood shake shingle roof, as defined by Section 15.40.070 of the City of Big Bear Lake Municipal Code, which has been declared by the City Council to be a severe fire hazard and threat to the lives, health property and safety of and substantial danger to the citizens of Big Bear Lake and the surrounding communities."

**SECTION 5.** Section 15.36.010 of Chapter 15.36 (Fire Retardant Roof Coverings) of the City of Big Bear Lake Municipal Code is hereby amended in its entirety to read as follows:

**"Section 15.36.010 Applicability of Provisions**

The provisions of this chapter are minimal requirements, and apply to all construction, erection, enlargement, alteration, repair, moving, conversions, change of occupancy (use) and maintenance of building(s) or structure(s) within the City of Big Bear Lake. All such buildings or structures shall be made to comply with this chapter: (i) when such building or

structure is increased by twenty-five (25) percent or more of the building or structure's square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the reinspection of a building or structure for the purposes of the reissuance or renewal of such a license. When the provisions of the California Building Code, which is adopted by the city, are in conflict with these provisions, the more restrictive in terms of fire resistance or fire retardance shall apply.

**SECTION 6.** The following definitions contained in Section 15.40.070 of Chapter 15.40 (California Fire Code) of the City of Big Bear Lake Municipal Code are hereby amended to read as follows:

**“Section 15.40.070 Definitions**

Section 204-C of the California Fire Code definition for Chief or Fire Chief is hereby amended by changing the following definition: (The remainder of this Section shall remain as written.)

CHIEF OR FIRE CHIEF is the Chief of the Big Bear Lake Fire Protection District.

Section 219-R of the California Fire Code is hereby amended by adding the following:

ROOF ASSEMBLY shall mean a system designed to provide protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof deck, vapor retarder and roof covering.

ROOF COVERING shall mean the covering applied to the roof deck for weather resistance, fire classification or appearance.

ROOF DECK shall mean the flat or sloped surface not including its supporting members or vertical supports.

WOOD SHAKE SHINGLE ROOF shall mean a roof assembly comprised primarily of wooden shakes or shingles.”

**SECTION 7.** Chapter 15.40 (California Fire Code) of the City of Big Bear Lake Municipal Code, which adopts with certain amendments, additions, deletions and exceptions, including fees and penalties, the 2007 California Fire Code, is hereby amended to add the following sections:

**"Section 15.40.680 Fire Retardant Roof Coverings**

A. Pursuant to Section 15.36.020 of the City of Big Bear Lake Municipal Code, the City Council has declared that all roof coverings in the City shall be Class A roof covering, as defined in Chapter 15, 2007 California Building Code. The City is located in an area, which due to its climate, geology, and topography, is highly susceptible to fires, strong winds and extreme weather conditions, such as wind driven rain and snow.

B. Pursuant to Section 8.91.050, any building or structure with a Wood Shake Shingle Roofs is a "dangerous building" under the Uniform Code for the Abatement of Dangerous Buildings (1997 Edition), as adopted by the City of Big Bear Lake pursuant to Section 8.91.010, because such roofs have been found to be a severe fire hazard and danger to the lives, health property and safety of the citizens of Big Bear Lake and the surrounding communities.

C. The City Council hereby finds and declares that Wood Shake Shingle Roofs are comprised of materials that create a unique and serious fire hazard and danger to an extent that they constitute a public nuisance, as set forth by Section 3480 of the California Civil Code, because they are injurious to the health and safety of and substantially endanger the entire Big Bear Lake community.

D. Based on Subsections (A),(B) and (C) above, the City Council finds that five (5) years is a reasonable amount of time for all existing buildings or structures within the City of Big Bear Lake with Wood Shake Single Roofs to install roofs comprised of fire retardant materials pursuant to Section 15.36.020 of the Municipal Code.

E. For the purposes of enforcement, the Fire Protection District shall designate an official to enforce the provisions of Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.25.090(A)(3) of the City of Big Bear Lake Municipal Code that prohibits wood shake shingles, and the California Building Standards, as adopted by the City: (i) when such building or structure is increased by twenty-five (25) percent or more of the building or structure's square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the re-inspection of a building or structure for the purposes of the reissuance or renewal of such a license.

**Section 15.40.690 Compliance Date**

Effective September 1, 2012, all properties within the City of Big Bear Lake, shall be required to be in compliance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in

Section 17.25.090(A)(3) of the City of Big Bear Lake Municipal Code, which prohibits wood shake shingles, and the California Building Standards, as adopted by the City. Following that date, the Big Bear Lake Fire Protection District will commence an inventory of all properties in the City of Big Bear Lake to determine which, if any, still have Wood Shake Shingle Roofs.

**Section 15.40.700 Enforcement of Roof Installation**

A. Upon the effective date of this Ordinance, the owner of the any structure or building within the City of Big Bear Lake with a Wood Shake Shingle Roof: (i) when such building or structure is increased by twenty-five (25) percent or more of the building or structure's square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the re-inspection of a building or structure for the purposes of the reissuance or renewal of such a license, shall be required to obtain a "Certificate of Compliance" from the Fire Chief, or his or her designee, stating that the building or structure is in compliance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.25.090(A)(3) of the City of Big Bear Lake Municipal Code, which prohibits wood shake shingles (as applicable), and the California Building Standards, as adopted by the City.

B. Upon the effective date of this Ordinance, if the owner of a building or structure fails to obtain a "Certificate of Compliance" as required in Subsection (A) of Section 15.40.700, the City shall commence any available cumulative remedies, including, but not limited to, revoking any applicable permit, refusing to grant final approval on a project, revoking or refusing to renew or grant a private home rental license, or commencing abatement procedures pursuant to Section 15.40.710.

**Section 15.40.710 Commencement of Abatement Proceedings – Uniform Code for the Abatement of Dangerous Buildings or California Health and Safety Code (Nuisance Abatement)**

Pursuant to the City's adoption of the Uniform Code for the Abatement of Dangerous Buildings under Section 8.91.010 of the City of Big Bear Lake Municipal Code, or California Health and Safety Code Sections 17980 *et seq.*, the City Building Official shall subject any property within the City of Big Bear Lake with a Wood Shake Shingle Roof to the commencement of abatement proceedings under the Uniform Code, or the applicable California Health and Safety Code provisions, if:

A. Upon the effective date of this Ordinance, the owner of the any structure or building within the City of Big Bear Lake with a Wood Shake Shingle Roof: (i) when such building or structure is increased by twenty-five (25) percent or more of the building or structure's

square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the re-inspection of a building or structure for the purposes of the reissuance or renewal of such a license, fails to obtain a "Certificate of Compliance" from the Fire Chief, or his or her designee, stating that the building or structure is in compliance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.25.090(A)(3) of the City of Big Bear Lake Municipal Code, which prohibits wood shake shingles (as applicable), and the California Building Standards, as adopted by the City.

B. Pursuant to Section 15.40.690, after an inventory of property is completed by the Big Bear Lake Fire Protection District following the compliance date, any property owner of remaining buildings and structures in the City of Big Bear Lake with Wood Shake Shingle Roofs has failed to install a fire retardant roof in accordance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.25.090(A)(3) of the City of Big Bear Lake Municipal Code, which prohibits wood shake shingles, and the California Building Standards, as adopted by the City, after receiving proper notice from the City Building Official, or his or her designee, pursuant to the Uniform Code for the Abatement of Dangerous Buildings or California Health and Safety Code Section 17980.6, the Fire Chief, or his or her designee, shall be authorized to commence any administrative or court proceeding to obtain compliance with this Chapter.

#### **Section 15.40.720      Development of Rules and Regulations**

The Fire Protection District shall develop rules and regulations to ensure proper implementation of this Chapter within the City of Big Bear Lake as may be necessary. The rules and regulations must be consistent with this Chapter and the Uniform Code for the Abatement of Dangerous Buildings and California Health and Safety Code Sections 17960 *et seq.* and 17980 *et seq.*, and shall not be less restrictive than the provisions of the California Fire Code, as adopted by the City.

#### **Section 15.40.730      Authorization for Fee for Service**

A. The Fire Chief, or his or her designee, is hereby authorized to establish a fee for service to recover up to, but no more than, one hundred percent (100%) of the cost of the inspection(s), which shall include, without limitation, the actual administrative and staff costs associated with the abatement procedures outlined in this Chapter. The Fire Protection District may set by resolution, from time to time, reasonable hourly rates for administrative activities and other administrative staff costs incurred as a result of this Chapter. However, the fee shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.



B. The costs for recovery for abatement, if necessary, shall be governed by the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings or California Health and Safety Code Sections 17980 *et seq.*, whichever is applicable.

**Section 15.40.740 Criminal Penalties**

A. It shall be unlawful for any person owning, leasing, or having charge or control of a structure or building within the City of Big Bear Lake to violate any provision or to fail to comply with any of the requirements of this Chapter. Any person violating any of the provisions, or failing to comply with any of the requirements of this Chapter shall be guilty of a misdemeanor, except where it has been provided by State Law or this Chapter that the violator shall be guilty of an infraction. Any person convicted of a misdemeanor under the provisions of this Chapter shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

B. Any person convicted of an infraction, shall be punishable by a fine only as follows: Upon a first conviction, by a fine not exceeding one hundred dollars (\$100), by a fine not exceeding two hundred (\$200) for a second violation of the same ordinance within one year, and for a third conviction or subsequent conviction within a period of one year, by a fine not exceeding five hundred dollars (\$500).

C. Notwithstanding the above provisions, a violation of any provision of this Chapter is an infraction when the City Attorney files a complaint charging the offense as an infraction.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continues, maintained or permitted by such person and shall be punishable accordingly.

**Section 15.40.750 Injunctions and Civil Penalties**

A. In addition to any other remedy provided by this Code, any provision of this Chapter may be enforced by injunction issued by the Superior Court upon a suit brought by the City of Big Bear Lake.

B. As part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of one thousand dollars (\$1,000) (up to a maximum total of one hundred thousand dollars (\$100,000) per violation of this Chapter) for each day during which any person commits, continues, allows or maintains a violation of any provision of this Chapter.”

**SECTION 8.** Attached hereto as Exhibit “A” is a list of all the amended and added sections of this Ordinance in the order they will appear in the City of Big Bear Lake Municipal Code.

**SECTION 9.** The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment. Thus, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Furthermore, the City Council hereby finds and determines that this Ordinance is taken to assure the maintenance, restoration, enhancement, or protection of the environment, and therefore the adoption of this Ordinance is also exempt from the requirements of CEQA pursuant to Section 15308 of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the San Bernardino County Clerk's Office within five (5) working days of project approval.

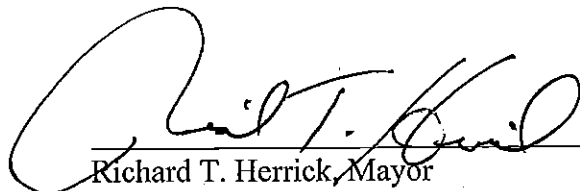
**SECTION 10.** If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

**SECTION 11.** The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within fifteen (15) days after its passage, at least once, in a newspaper of general circulation, published and circulated in the City of Big Bear Lake, California. City staff is hereby directed to transmit this Ordinance and its findings to the State, as required by law. This Ordinance shall take effect 30 days after its final passage.

PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of July, 2008.

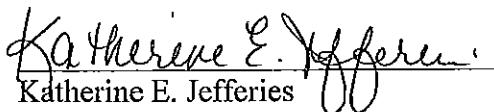
AYES: Harris, Herrick, Jahn, Karp, Mulvihill  
NOES: None  
ABSENT: None  
ABSTAIN: None

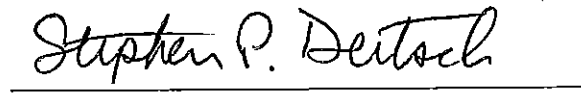
July 28, 2008  
Date

  
Richard T. Herrick, Mayor

ATTEST:

REVIEWED AND APPROVED:

  
Katherine E. Jefferies  
City Clerk

  
Best Best & Krieger LLP  
City Attorneys

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

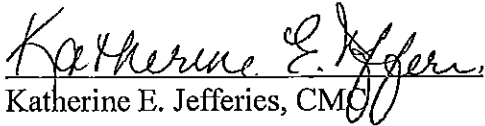
I, Katherine E. Jefferies, City Clerk of the City of Big Bear Lake do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 2008-383 is a full, true and correct original of Ordinance No. 2008-383 of the said City of Big Bear Lake, California, entitled:

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING 8.81 TO TITLE 8 RELATING TO PUBLIC NUISANCES AND AMENDING BIG BEAR LAKE MUNICIPAL CODE SECTIONS 8.91.010 AND 8.91.040 RELATING TO THE ABATEMENT OF DANGEROUS BUILDINGS AND SECTION 15.36.010 PERTAINING TO FIRE RETARDANT ROOF COVERINGS; AND ADDING SECTION 8.91.050 AND SECTIONS 15.40.680, 15.40.690, 15.40.700, 15.40.710, 15.40.720, 15.40.730, 15.40.740, AND 15.40.750 TO THE BIG BEAR LAKE MUNICIPAL CODE AND AMENDING THE CALIFORNIA FIRE CODE RELATING TO WOOD SHAKE SHINGLE ROOFING

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council on the 28<sup>th</sup> day of July, 2008, and that the same was so passed and adopted by the following vote:

AYES: Harris, Herrick, Jahn, Karp, Mulvihill  
NOES: None  
ABSENT: None  
ABSTAIN: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2008-383 was duly and regularly published according to law and the order of the City Council and circulated within said City.

  
Katherine E. Jefferies, CMO  
City Clerk

**EXHIBIT "A"**

**Code Sections in Order of City of Big Bear Lake Municipal Code Chapter**

**Chapter 8.81 Wood Shake Shingle Roofs**

**Section 8.81.010 Findings**

A. The City Council hereby finds and declares that Wood Shake Shingle Roofs, as defined in Section 15.40.070 of Title 15 of the City of Big Bear Lake Municipal Code, are a severe fire hazard and danger to the lives, health, property and safety of the residents of the City of Big Bear Lake and the surrounding communities.

B. The City Council hereby finds and declares that Wood Shake Shingle Roofs are comprised of materials that create a unique and significant fire hazard and danger to an extent that they constitute a public nuisance, as set forth by Section 3480 of the California Civil Code, because they are injurious to the health and safety of and substantially endanger the entire Big Bear Lake community.

C. The City Council hereby finds and declares that five (5) years is a reasonable amount of time for all existing buildings or structures within the City of Big Bear Lake with Wood Shake Single Roofs to install roofs comprised of fire retardant materials in compliance with Section 15.36.020 of the Municipal Code.

**Section 8.81.020 Wood Shake Shingle Roofs – Public Nuisance.**

Beginning on September 1, 2012, all Wood Shake Single Roofs, as defined in Section 15.40.070, on properties or structures located within the City of Big Bear Lake shall be abated as a public nuisance and a dangerous building by the City Building Official in accordance the procedures set forth in Chapter 15.40.

**Chapter 8.91 Abatement of Dangerous Buildings**

**Section 8.91.010 Uniform code adoption – Copies on file**

A. The City of Big Bear Lake adopts in its entirety the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.

B. There shall be a copy of the Uniform Code for the Abatement of Dangerous Buildings available for public inspection at the public counter of the building and safety department during normal working hours.

**Section 8.91.040 Claims for costs and expenses.**

The expense costs referred to in Section 901 of the Uniform Code shall include those of the director of administrative services and the city attorney, if such expenses are determined reasonable and necessary under Section 904, and such costs reported by the director of public works shall be identified separately from all other expenses. A separate statement of the director of administrative services and, as applicable, the city attorney shall be attached where such costs and expenses are claimed. Such expenses shall likewise include the costs of the appeals board, if convened.

**Section 8.91.050 Amendments to the Uniform Code – Chapter 3**

Subsection 19 shall be added to Chapter 3, Section 302, of the Uniform Code to read as follows:

19. Whenever any building or structure contains a wood shake shingle roof, as defined by Section 15.40.070 of the City of Big Bear Lake Municipal Code, which has been declared by the City Council to be a severe fire hazard and threat to the lives, health property and safety of and substantial danger to the citizens of Big Bear Lake and the surrounding communities.

**Chapter 15.36 Fire Retardant Roof Coverings**

**Section 15.36.010 Applicability of Provisions**

The provisions of this chapter are minimal requirements, and apply to all construction, erection, enlargement, alteration, repair, moving, conversions, change of occupancy (use) and maintenance of building(s) or structure(s) within the city of Big Bear Lake. All such buildings or structures shall be made to comply with this chapter: (i) when such building or structure is increased by twenty-five (25) percent or more of the building or structure's square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the reinspection of a building or structure for the purposes of the reissuance or renewal of such a license. When the provisions of the Uniform Building Code, which is adopted by the City are in conflict with these provisions, the more restrictive in terms of fire resistance or fire retardance shall apply.

**Chapter 15.40 California Fire Code**

**Section 15.40.070 Definitions**

Section 204-C of the California Fire Code definition for Chief or Fire Chief is hereby amended by changing the following definition: (The remainder of this Section shall remain as written.)

CHIEF OR FIRE CHIEF is the Chief of the Big Bear Lake Fire Protection District.”

Section 219-R of the California Fire Code is hereby amended by adding the following:

ROOF ASSEMBLY shall mean a system designed to provide protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof deck, vapor retarder and roof covering.

ROOF COVERING shall mean the covering applied to the roof deck for weather resistance, fire classification or appearance.

ROOF DECK shall mean the flat or sloped surface not including its supporting members or vertical supports.

WOOD SHAKE SHINGLE ROOF shall mean a roof assembly comprised primarily of wooden shakes or shingles.”

**Section 15.40.680 Fire Retardant Roof Coverings**

A. Pursuant to Section 15.36.020 of the City of Big Bear Lake Municipal Code, the City Council has declared that all roof coverings in the City shall be fire retardant as provided in the Uniform Building Code. The City is located in an area which due to its climate, geology, and topography is highly susceptible to fires, strong winds and extreme weather conditions such as wind driven rain and snow.

B. Pursuant to Section 8.91.050, any building or structure with a Wood Shake Shingle Roofs is a “dangerous building” under the Uniform Code for the Abatement of Dangerous Buildings (1997 Edition), as adopted by the City of Big Bear Lake pursuant to Section 15.04.010, because such roofs have been found to be a severe fire hazard and danger to the lives, health property and safety of the citizens of Big Bear Lake and the surrounding communities.

C. Pursuant to Section 8.81.010, the City Council hereby finds and declares that Wood Shake Shingle Roofs are comprised of materials that create a unique and serious fire hazard and danger to an extent that they constitute a public nuisance, as set forth by Section 3480

of the California Civil Code, because they are injurious to the health and safety of and substantially endanger the entire Big Bear Lake community.

D. Based on Subsections (A), (B) and (C) above, the City Council finds that five (5) years is a reasonable amount of time for all existing buildings or structures within the City of Big Bear Lake with Wood Shake Single Roofs to install roofs comprised of fire retardant materials pursuant to Section 15.36.020 of the Municipal Code.

E. For the purposes of enforcement, the Fire Protection District shall designate an official to enforce the provisions of Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.20.090(A)(3) of the City of Big Bear Lake Municipal Code that prohibits wood shake shingles, and the California Building Standards, as adopted by the City: (i) when such building or structure is increased by twenty-five (25) percent or more of the building or structure's square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the reinspection of a building or structure for the purposes of the reissuance or renewal of such a license.

#### **Section 15.40.690 Compliance Date**

Effective September 1, 2012, all properties within the City of Big Bear Lake, shall be required to be in compliance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.20.090(A)(3) of the City of Big Bear Lake Municipal Code that prohibits wood shake shingles, and the California Building Standards, as adopted by the City. Following that date, the Big Bear Lake Fire Protection District will commence an inventory of all properties in the City of Big Bear Lake to determine which, if any, still have Wood Shake Shingle Roofs.

#### **Section 15.40.700 Enforcement of Roof Installation**

A. Upon the effective date of this Ordinance, the owner of the any structure or building within the City of Big Bear Lake with a Wood Shake Shingle Roof: (i) when such building or structure is increased by twenty-five (25) percent or more of the building or structure's square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the reinspection of a building or structure for the purposes of the reissuance or renewal of such a license, shall be required to obtain a "Certificate of Compliance" from the Fire Chief, or

his or her designee, stating that the building or structure is in compliance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.20.090(A)(3) of the City of Big Bear Lake Municipal Code that prohibits wood shake shingles, and the California Building Standards, as adopted by the City.

B. Upon the effective date of this Ordinance, if the owner of a building or structure fails to obtain a "Certificate of Compliance" as required in Subsection (A) of Section 15.40.700, the City shall commence any available cumulative remedies, including, but not limited to, revoking any applicable permit, refusing to grant final approval on a project, revoking or refusing to renew or grant a private home rental license, or commencing abatement procedures pursuant to Section 15.40.710.

**Section 15.40.710 Commencement of Abatement Proceedings – Uniform Code for the Abatement of Dangerous Buildings or California Health and Safety Code (Nuisance Abatement)**

Pursuant to the City's adoption of the Uniform Code for the Abatement of Dangerous Buildings under Section 15.04.010 of the City of Big Bear Lake Municipal Code, or California Health and Safety Code Sections 17980 *et seq.*, the City Building Official shall subject any property with a Wood Shake Shingle Roof to the commencement of abatement proceedings under the Uniform Code, or the applicable California Health and Safety Code provisions, if:

A. Upon the effective date of this Ordinance, the owner of the any structure or building within the City of Big Bear Lake with a Wood Shake Shingle Roof: (i) when such building or structure is increased by twenty-five (25) percent or more of the building or structure's square footage; (ii) prior to, and as a condition precedent to, final approval by the City Building Official, or his or her designee, of the remodeling of the building or structure where the replacement of the Wood Shake Shingle Roof would cost less than fifty (50) percent of the total calculated value of the remodel; or (iii) prior to, and as a condition precedent to, the issuance, reissuance or renewal of any private home rental license, or the reinspection of a building or structure for the purposes of the reissuance or renewal of such a license, fails to obtain a "Certificate of Compliance" from the Fire Chief, or his or her designee, stating that the building or structure is in compliance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating to the installation of fire retardant roof coverings, the provision in Section 17.20.090(A)(3) of the City of Big Bear Lake Municipal Code that prohibits wood shake shingles, and the California Building Standards, as adopted by the City.

B. Pursuant to Section 15.40.690, after an inventory of property is completed by the Big Bear Lake Fire Protection District following the compliance date, as stated in Section 15.40.690, any property owner of remaining buildings and structures in the City of Big Bear Lake with Wood Shake Shingle Roofs has failed to install a fire retardant roof in accordance with Section 15.40.680 of the City of Big Bear Lake Municipal Code relating



to the installation of fire retardant roof coverings, the provision in Section 17.20.090(A)(3) of the City of Big Bear Lake Municipal Code that prohibits wood shake shingles, and the California Building Standards, as adopted by the City, after receiving proper notice from the City Building Official, or his or her designee, pursuant to the Uniform Code for the Abatement of Dangerous Buildings or California Health and Safety Code Section 17980.6.

**Section 15.40.720 Development of Rules and Regulations**

The Fire Protection District shall develop rules and regulations to ensure proper implementation of this Chapter as may be necessary. The rules and regulations must be consistent with this Chapter and the Uniform Code for the Abatement of Dangerous Buildings and California Health and Safety Code Sections 17960 *et seq.* and 17980 *et seq.*, and shall not be less restrictive than the provisions of the California Fire Code, as adopted by the City.

**Section 15.40.730 Authorization for Fee for Service**

A. The Fire Chief, or his or her designee, is hereby authorized to establish a fee for service to recover up to, but no more than, one hundred percent (100%) of the cost of the inspection(s), which shall include, without limitation, the actual administrative and staff costs associated with the abatement procedures outlined in this Chapter. The Fire Protection District may set by resolution, from time to time, reasonable hourly rates for administrative activities and other administrative staff costs incurred as a result of this Chapter. However, the fee shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.

B. The costs for recovery for abatement, if necessary, shall be governed by the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings or California Health and Safety Code Sections 17980 *et seq.*, whichever is applicable.

**Section 15.40.740 Criminal Penalties**

A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. Any person violating any of the provisions, or failing to comply with any of the requirements of this Chapter shall be guilty of a misdemeanor, except where it has been provided by State Law or this Chapter that the violator shall be guilty of an infraction. Any person convicted of a misdemeanor under the provisions of this Chapter shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

B. Any person convicted of an infraction, shall be punishable by a fine only as follows: Upon a first conviction, by a fine not exceeding one hundred dollars (\$100), by a fine not exceeding two hundred (\$200) for a second violation of the same ordinance within one

year, and for a third conviction or subsequent conviction within a period of one year, by a fine not exceeding five hundred dollars (\$500).

C. Notwithstanding the above provisions, a violation of any provision of this Chapter is an infraction when the City Attorney files a complaint charging the offense as an infraction.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continues, maintained or permitted by such person and shall be punishable accordingly.

**Section 15.40.750 Injunctions and Civil Penalties**

A. In addition to any other remedy provided by this Code, any provision of this Chapter may be enforced by injunction issued by the Superior Court upon a suit brought by the City of Big Bear Lake.

B. As part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of one thousand dollars (\$1,000) (up to a maximum total of one hundred thousand dollars (\$100,000) per violation of this Chapter) for each day during which any person commits, continues, allows or maintains a violation of any provision of this Chapter.