

**ORDINANCE NO. 2007-373**

**AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING BIG BEAR LAKE MUNICIPAL CODE SECTION 15.36.010 PERTAINING TO FIRE RETARDANT ROOF COVERINGS; AND ADDING SECTIONS 15.40.190, 15.40.191, 15.40.192, 15.40.193 AND 15.40.194 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 sections of the Uniform Building Code, 1997 Edition (2001 California Building Standards Code), and the Uniform Fire Code, 2000 Edition, subject to particular additions, amendments and deletions as set forth in the Municipal Code; and

WHEREAS, the 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 an amendment to Section 15.36.010 of Chapter 15.36 (Fire Retardant Roof Coverings) of the Municipal Code; and the addition of Sections 15.40.190, 15.40.191, 15.40.192, 15.40.193 and 15.40.194 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 80 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.

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, 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.

WHEREAS, the Big Bear Lake Fire Protection District Board has adopted Ordinance No. FP2007-13 adopting the provisions of this Ordinance, 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.** Section 15.36.010 of Chapter 15.36 (Fire Retardant Roof Coverings) of the City of Big Bear Lake Municipal Code is hereby amended to read as follows (amendments underlined):

**“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) and/or structure(s) within the city of Big Bear Lake and such buildings and/or structures shall be made to comply at the time of the sale or voluntary transfer of such buildings and/or structures. 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 and/or fire retardance shall apply.

**SECTION 2.** 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 2000 Uniform Fire Code, with errata and such amendments incorporated into the 2001 California Fire Code, Part 9 of Title 24 of the California Code of Regulations (“CFC” or “California Fire Code”), is hereby amended to add the following sections:

**“Section 15.40.190 Fire Retardant Roof Coverings**

For the purposes of enforcement, the Fire Chief shall enforce the provisions of Chapter 15.36.10, assuring at the time of sale or voluntary transfer that buildings or structures have roofing materials that are in compliance with City of Big Bear Lake Development Code Section 17.25.090(A)(3) and the California Building Standards, as adopted by the City, prohibiting wood shake shingles.

**Section 15.40.191 Effective Date of Implementation**

Upon the effective date of this Ordinance, the owner of the applicable property within the City of Big Bear Lake, at the time of sale or voluntary transfer, shall be required to produce at the close of escrow or, if there is no escrow, have in the owner's possession on the effective date of sale or transfer, a “Certificate of Compliance” from the Fire Chief stating that said property is in compliance with City

of Big Bear Lake Development Code Section 17.25.090 (A)(3) and the California Building Standards, as adopted by the City, prohibiting wood shake shingle roofing. In the alternative, the seller or transferor of such property shall obtain from the Fire Chief and in the event there is an escrow, produce at the close of escrow, or if there is no escrow, have in the owner's possession on the effective date of sale or transfer, a written waiver from the City allowing the purchaser or transferee of the property six (6) months following the close of escrow, or if there is no escrow, following the effective date of sale or transfer, to bring all roofs on the applicable property into full compliance with City of Big Bear Lake Development Code Section 17.25.090 (A)(3) and the California Building Standards, as adopted by the City, prohibiting wood shake shingle roofing; provided, however, that the seller or transferor shall provide to the purchaser or transferee any such written waiver at the time of close of escrow or prior to the effective date of sale or transfer.

**Section 15.40.192 Description of Implementation**

Effective July 1, 2012, all properties within the City of Big Bear Lake, shall be required to be in compliance with City of Big Bear Lake Development Code Section 17.25.090(A)(3) and the California Building Standards, as adopted by the City, prohibiting wood shake shingle roofing.

**Section 15.40.193 Development of Rules and Regulations**

The Fire Chief 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 shall not be less restrictive than the provisions of the California Fire Code, as adopted by the City.

**Section 15.40.194 Authorization for Fee for Service**

The Fire Chief is hereby authorized to establish a fee for service to recover up to 100 percent of the cost of the inspection(s). The fee shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.”

**SECTION 3.** 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 4.** 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.

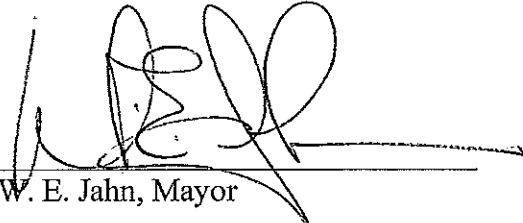
**SECTION 5.** The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within fifteen (15) days after its passage, at least once, in at least one newspaper of general circulation, published and circulated in the City of Big Bear Lake, California. City staff is hereby 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 9<sup>th</sup> day of July, 2007.

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

July 9, 2007

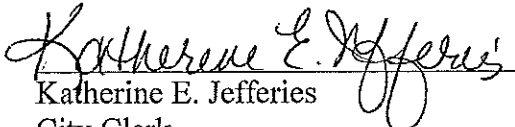
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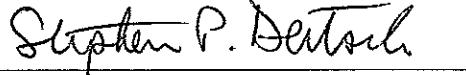
W. E. Jahn, Mayor

ATTEST:

REVIEWED AND APPROVED:



Katherine E. Jefferies  
City Clerk



Stephen P. Deutsch  
Best Best & Krieger LLP  
City Attorneys

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

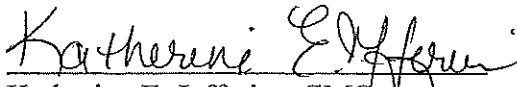
I, Katherine E. Jefferies, City Clerk of the City of Big Bear Lake do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 2007-373 is a full, true and correct original of Ordinance No. 2007-373 of the said City of Big Bear Lake, California, entitled:

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING BIG BEAR LAKE MUNICIPAL CODE SECTION 15.36.010 PERTAINING TO FIRE RETARDANT ROOF COVERINGS; AND ADDING SECTIONS 15.40.190, 15.40.191, 15.40.192, 15.40.193 AND 15.40.194 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 9<sup>th</sup> day of July, 2007, and that the same was so passed and adopted by the following vote:

AYES: Harris, Jahn, Karp, Mulvihill  
NOES: Herrick  
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. 2007-373 was duly and regularly published according to law and the order of the City Council and circulated within said City.

  
Katherine E. Jefferies, CMC  
City Clerk