

**APPENDIX W**  
**FIRE HAZARD REDUCTION**

Section W101 is added to read as follows:

**SECTION W101 – GENERAL**

**W101.1 Scope.** This appendix provides provisions intended to identify hazard areas and mitigate the risk to life and Structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent Structures and to mitigate fires from spreading to wildland fuels that may threaten to destroy life, overwhelm fire suppression capabilities, or result in large property loss. Requirements are based upon the California Health & Safety Code (H&S), California Public Resource Code (PRC), California Code of Regulations (CCR), California Government Code (GC) and Fire District requirements.

**W101.2 Purpose.** The purpose of this appendix is to establish minimum requirements in Wildland-Urban Interface Areas that will increase the ability of a Building to resist the intrusion of flame or burning embers being projected by a vegetation fire including: the identification of Hazardous Fire Areas that require applicable Defensible Space provisions included in this Code and enforced by the Fire Code Official and applicable state and local fire-resistive building standards that are required and enforced by the local building official.

Section W102 is added to read as follows:

**SECTION W102 – DEFINITIONS**

**W102.1 Definitions.** For the purpose of this appendix certain terms are defined as follows:

**DEFENSIBLE SPACE.** An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

**FUEL BREAK.** An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel Breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for firefighting.

**FUEL MODIFICATION.** A method of modifying fuel load by reducing the amount of non fire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

**FUEL MOSAIC.** A Fuel Modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of Fuel Modification.

**GREENBELTS.** A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

**PARCEL.** A portion of land of any size, the area of which is determined by the assessor's maps and records and may be identified by an assessor's parcel number whether or not any Buildings are present.

**PUBLIC NUISANCE.** A declaration by the Fire Code Official that the presence of Combustible Material on a Parcel creates a fire hazard.

Section W103 is added to read as follows:

**W103 Unlawful disposal.** Every Person who places, deposits or dumps Combustible Material on a Parcel whether or not the Person owns such Parcel, or whether or not the Person so places, deposits or dumps on such Parcel with the consent of the owner thereof, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

Section W104 is added to read as follows:

**W104 Clearance of brush, vegetative growth and Combustible Material from Parcels.** All Parcels declared a Public Nuisance shall be cleared entirely of Combustible Material. If the Fire Code Official determines this impractical, the provisions of Section W105 may be used.

Section W105 is added to read as follows:

#### **SECTION W105 – CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES**

**W105.1 Structures.** Any Person owning, leasing, controlling, operating or maintaining any Building in, upon, or adjoining any Hazardous Fire Area, and any Person owning, leasing or controlling any land adjacent to such Buildings, shall at all times maintain around and adjacent to such Building an effective firebreak made by removing and clearing away, all Combustible Material on their property for a distance not less than

100 feet from all portions of the Building. Distances may be increased by the Fire Code Official because of a site-specific analysis based on local conditions and when required, based on a Fire Protection Plan.

This section shall not apply to single specimens or stands of protected species of trees, ornamental shrubbery or similar plants used in landscaping and ground covers, provided that they do not form a means of rapidly transmitting a fire from the native growth to any Building and are in accordance with Sections W105.1.1, W105.1.2, W105.1.3 and W105.1.4.

**W105.1.1 Trees.** When allowed by Section W105.1, trees within the Defensible Space shall comply with the following:

1. Highly flammable trees are not allowed unless approved by the Fire Code Official.
2. The horizontal distance between crowns of trees and crowns of adjacent trees, overhead electrical facilities or unmodified fuel is not less than 15 feet.
3. The vertical clearance distance above any roof is not less than 3 feet.
4. The horizontal and vertical clearance to any chimney or heat producing device is not less than 10 feet.
5. Trees exceeding 6 feet in height shall be limbed up from the ground 5 feet or 1/3 the height of the tree, whichever is less.
6. Deadwood and litter shall be regularly removed from trees.

**W105.1.2 Fuel Mosaic.** Fuel Mosaic using shrubs shall comply with the following:

1. Flammable plants and shrubs are not allowed.
2. Shrubs shall not exceed 6 feet in height.
3. Single grouping of shrubs are limited to a 10-foot diameter grouping.
4. Each grouping shall be spaced a minimum of 15 feet from any other grouping.
5. Grouping shall be spaced a minimum of 30 feet from any Structure subject to Section W105.1 or W105.2.

**W105.1.3 Detached accessory Buildings.** Detached accessory Buildings are not subject to the clearance requirements of W105.1 when all of the following apply:

1. The Building Area does not exceed 120 square feet when a building permit is not required by the local Building Department or 250 square feet when open on all sides.
2. The Building is set back a minimum of 30 feet from any other Building subject to the clearance requirements of W105.1.
3. The Building does not contain any items or materials requiring a fire code permit.

**W105.1.4 Photovoltaic systems.** The clearance requirements around free standing photovoltaic systems and equipment shall comply with the following:

1. A minimum 10-foot clearance for clusters of panels not exceeding 1,500 sqft of combined panel area.
2. A minimum 30-foot clearance for clusters of panels greater than 1,500 sqft of combined panel area.
3. Clusters shall be separated a minimum of 20 feet.
4. Panels and clusters shall not be located within 30 feet of any Building subject to clearance requirements of W105.1 unless the clearance requirements of W105.1 are provided as measured from the perimeter of the panel or cluster.

**W105.1.5 Prefabricated sea cargo/metal storage containers used for storage.** The clearance requirements of W105.1 may be reduced to a minimum of 30 feet when all of the following apply:

1. The container does not exceed 320 square feet.
2. There are no alterations/modifications to the container, including, but not limited to doors, windows, ventilation openings, etc.
3. There are no utilities connected to or serving the container.
4. The container is set back a minimum of 30 feet from any Building or 6 feet from other containers.
5. The container does not contain any hazardous items or any material/process requiring a fire code permit.

**W105.1.6 Mulch and wood chips within the required Defensible Space.** Use of mulch and wood chips within any required Defensible Space shall be as approved by the Fire Code Official.

**W105.2 Fire protection equipment and utilities.** The clearance requirements of Section W105.1 shall apply to communication site towers and their support Buildings; required fire protection water supplies including water tanks, water supply pumps and pump houses; and any other utility Structure as required by the Fire Code Official. The Fire Code Official may consider a reduced distance, not less than 30 feet, for communication site towers, water tanks and Structures with no interior space, based upon a site risk assessment.

Section W106 is added to read as follows:

## **SECTION W106 – FIRE PROTECTION, FUEL MODIFICATION AND VEGETATION MANAGEMENT PLANS**

**W106.1 Plans.** Fire protection, Fuel Modification and vegetation management plans shall be prepared by the applicant when required by the Fire Code Official.

**W106.2. Submittal.** Fire protection, Fuel Modification and vegetation management plans shall be submitted to the Fire Code Official for review and approval as part of the plans required for a permit. Plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the Building(s) to be protected.

**W106.2.1 Content.** A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property.
3. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
4. A plan for maintaining the proposed fuel-reduction measures.

**W106.3 Cost.** The cost of any fire protection, Fuel Modification and vegetation management plan preparation and review shall be the responsibility of the applicant.

**W106.4 Maintenance.** To be considered acceptable Fuel Modification for purposes of this Code, continuous maintenance of the approved Fuel Modification zone is required at all times.

**W106.5 Greenbelts.** Subdivisions and other developments, which propose Greenbelts as a part of the development plan, shall locate said Greenbelts strategically, as a separation between wildland fuels and Structures. The locations shall be approved by the inspection authority.

Section W107 is added to read as follows:

**W107 Notice and prosecution.** The Fire Code Official shall serve a written order upon the owner or possessor of a Parcel, when, in the opinion of the Fire Code Official, a Public Nuisance exists thereon. The order shall direct such owner or possessor to remove or abate the Public Nuisance within ten Days after such order is given. Every owner or possessor who fails or refuses to abate said Public Nuisance from such Parcel within ten Days after being served with such order is guilty of a misdemeanor. Evidence that the current assessment roll of the County shows real property assessed to a Person shall constitute *prima facie* evidence that such Person is the owner of such property.

**W107.1 Additional notices.** The 10-Day abatement period shall not apply for any additional notices the Fire Code Official may issue to a property owner for abatement of the hazard identified in the original notice. A reduced abatement period may apply as indicated by the Fire Code Official on the additional notice. Additional notices may be posted upon the property in lieu of mailing.

Section W108 is added to read as follows:

#### **SECTION W108 – CLEARANCE UPON DEFAULT OF OWNER OR LESSEE**

**W108.1 Notice.** The Fire Code Official may, instead of or in addition to following the procedure set forth in Section W107, cause a notice to be mailed.

**W108.2 Mailed notice.** If a notice is mailed, the Fire Code Official shall provide information specified in Section W107 and shall include a description of the property according to that set forth on the County assessment roll, to the last assessee of the property at the address given on said roll. The Fire Code Official shall also provide such notice, including the description, to the Clerk of the Board of Directors three Days prior to the Board hearing. The notice shall be mailed at least ten Days before the Board of Directors meets to hear the report of the Fire Code Official regarding the alleged Public Nuisance. It shall be the responsibility of the owner of record in the current assessment roll to notify any new owner or possessor of the property of the notice that was received and forward the notice to the new owner or possessor of the property. It shall also be the responsibility of the current owner of record to notify the Fire District and the County Assessor of this change in ownership in the manner specified by the County Assessor.

**W108.3 Hearing.** At the time and place stated in the notices, the Board of Directors shall meet to hear the report of the Fire Code Official and any objections thereto. The Fire Code Official shall attend, inform the Board as to the alleged Public Nuisance,

and supply the description of the Parcel upon which it exists, the name and address of the last known assessee thereof, and state what has been done in order to give notice of the hearing according to the provisions of this Code. The Board may continue the hearing from time to time as it sees fit.

**W108.3.1 Seasonal and reoccurring.** If the Board of Directors makes a finding of seasonal and reoccurring Combustible Material upon the Parcel, no further public hearings are required before the Fire Code Official can issue a notice to abate the hazard and Section W108.5 shall apply. Ref: H&S 14900.5

**W108.4 Clean-up order.** If, after a hearing, the Board of Directors finds that a Public Nuisance exists upon a Parcel, the Board may direct the Fire Code Official to abate the Public Nuisance. The Board shall maintain a record of its proceedings at such hearing and retain therewith the report of the Fire Code Official and a description of such Parcel and, where available, the name and address of its last known assessee.

**W108.5 Abatement.** If the Board of Directors directs the Fire Code Official to abate a Public Nuisance, the Fire Code Official shall proceed to abate such nuisance unless it has been completely abated before his or her agents arrive to begin such abatement. The Fire Code Official may expend District funds for such abatement and may contract with a Person or Persons for such abatement.

Section W109 is added to read as follows:

#### **SECTION W109 – COLLECTION OF THE COST OF ABATEMENT**

**W109.1 Account of expenses.** The Fire Code Official shall keep an account of his or her expenses when abating a Public Nuisance pursuant to an order by the Board of Directors and file the account thereof with the Board which shall include a description, according to the County assessment roll, of the Parcel upon which such Public Nuisance existed and, when available, the name and address of the last known assessee.

**W109.2 Confirmation of expense account.** The account of expenses shall be maintained on file, open to public inspection, in the office of the Clerk of the Board of Directors for at least ten Days before a hearing of the Board to confirm such account. Before the expiration of such ten Days, any Person may file a written request to be notified of such hearing. Upon confirmation, the Board shall mail notice to the address supplied for any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the account of expenses filed by the Fire Code Official. At such hearing the Board may make any modification in the amount it deems just, after which the account shall be confirmed.

**W109.3 Special assessment and lien.** The amount of expenses incurred by the Fire Code Official for abating a Public Nuisance when confirmed by the Board of Directors shall constitute a special assessment against the Parcel from which the said Public Nuisance was removed and a lien thereon for the amount of such assessment.

**W109.4 Transmittal of account.** The Board of Directors shall deliver a copy of the account, as confirmed, to the Auditor of the County on or before the 10th day of August following such confirmation.

**W109.5 Inclusion of assessment.** The County Auditor shall enter the amount stated in the account as a special assessment against the Parcel described in the account. The Tax Collector of the County shall include the amount of the assessment on the bill for taxes levied against the Parcel. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such real property shall be transferred to the unsecured roll for collection. All special assessments collected shall be paid into the county treasury to be used on behalf of the Fire District.

**W109.6 Recorded notices.** The Fire Code Official may record notices upon real property as follows:

1. To serve notice that the real property is subject to annual fire hazard abatement.
2. To serve notice of abatement fees due when the abatement occurs after the current year tax bill cycle.

**W109.7 Release of recorded notice.** The Fire Code Official shall record a Release of Notice within 30 Days whenever the conditions listed under Section W109.6 no longer exist.