

Excerpt from VCFPD Ordinance 31, Effective January 1, 2020

APPENDIX W

FIRE HAZARD REDUCTION AND VEGETATION MANAGEMENT

Appendix W 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 – DEFINITIONS

W102.1 Definitions. For the purpose of this appendix, the following terms are defined in Chapter 2:

DEFENSIBLE SPACE.

FUEL BREAK.

FUEL MODIFICATION.

FUEL MOSAIC.

GREENBELTS.

ORNAMENTAL LANDSCAPE.

PARCEL.

PUBLIC NUISANCE.

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.

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 – 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 Landscape 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 the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

W105.1.1 Timing for New Buildings. The provisions of W105.1 shall be completed prior to vertical construction of any new building.

W105.1.2 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 hazardous items or material/process requiring a fire code permit.

W105.1.3 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.

W105.1.4 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.

W105.1.5 Mulch and wood chips within the required Defensible Space. Mulch and wood chips are prohibited within 5 feet of a Building subject to Section W105.1. Use of mulch and wood chips within any required Defensible Space beyond 5 feet from a Building shall be in accordance with the requirements of Application of Mulch and Chips in Defensible Space Standards as issued and approved by the Fire Code Official.

W105.1.6 Firewood piles. Exposed firewood piles not exceeding 1,000 cubic feet within a Hazardous Fire Area shall be located a minimum of 30 feet from any Building and/or combustible vegetation. See Section V105.4 for firewood piles exceeding 1,000 cubic feet.

Exception: Firewood piles completely covered in a fire-resistant material and located a minimum of 5 feet from any Building.

W105.1.7 Clearance from chimney, stovepipe. In Hazardous Fire Areas, any portion of a tree or shrub that extends within 10 feet horizontally or vertically of a chimney or stovepipe shall be removed.

W105.1.8 Roofs. In Hazardous Fire Areas, a minimum 3-foot clearance above any roof shall be provided and maintain all roofs and gutters free of leaves, needles or other combustible vegetation.

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.

W105.3 Clearance of brush or vegetative growth from roadways. The Fire Code Official is authorized to require areas within 10 feet (3 048 mm) on each side of portions of Fire Apparatus Access Roads and driveways to be cleared of non fire-resistive vegetation growth.

Exception: Single specimens of trees, Ornamental Landscape or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire or restrict firefighter operations along the road or driveway.

W105.4 Clearance of brush and vegetative growth from electrical transmission and distribution lines.

W105.4.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with the Section W105.4, California Public Resources Code (PRC) and California Code of Regulations (CCR) Title 14.

Exception: Section W105.4 does not authorize Persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

W105.4.1.1 Planting vegetation under or adjacent to energized electrical lines. No vegetation shall be planted under or adjacent to energized power lines that, at maturity, will grow within 10 feet (3 048 mm) of the energized conductors.

W105.4.2 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a general history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3 048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the Fire Code Official.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

W105.4.3 Electrical distribution and transmission line clearances.

W105.4.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section W105.4.3.

W105.4.3.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table W105.4.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated “live parts” of electrical equipment.

Exception: The Fire Code Official is authorized to establish minimum clearances different than those specified by Table W105.4.3.2 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

**TABLE W105.4.3.2
MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME
OF TRIMMING**

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400 - 72,000	4
72,001 - 110,000	6
110,001 - 300,000	10
300,001 or more	15

For International System of Units (SI): 1 foot = 304.8 mm.

W105.4.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table W105.4.3.3 shall be maintained during such periods of time as designated by the Fire Code Official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and any vegetation’s location in proximity to the high voltage lines.

Exception: The Fire Code Official is authorized to establish minimum clearances different than those specified by Table W105.4.3.3 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

**TABLE W105.4.3.3
MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE
MAINTAINED**

LINE VOLTAGE	MINIMUM CLEARANCE (feet)
750 - 35,000	6
35,001 - 60,000	12
60,001 - 115,000	19
115,001 - 230,000	30.5
230,001 - 500,000	115

For International System of Units (SI): 1 inch = 25.4 mm.

W105.4.3.4 Electrical power line emergencies. During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table W105.4.3.3.

W105.5 Ignition sources.

W105.5.1 General. In addition to the requirements of other sections of this Code, ignition sources shall be in accordance with Section W105.5 and includes, but not limited to, electrical panels, flare stacks, generators, fixed equipment and machinery capable of producing sparks.

W105.5.2 Objective. Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires from ignition sources.

W105.5.3 Clearance from ignition sources. Clearance between ignition sources and grass, brush or other Combustible Materials shall be maintained a minimum of 30 feet. A reduced distance may be approved, but shall not be less than 15 feet, when a non-combustible barrier is provided between the ignition source and the grass, brush and Combustible Materials.

W105.6 Flammable and hazardous material processes, storage and use.

W105.6.1 General. In addition to the requirements of other sections of this Code, flammable and hazardous material processes, storage and use shall be in accordance with Section W105.6.

W105.6.2 Clearance from Combustible Materials. Clearance between flammable and hazardous material processes, storage and use areas and any grass, brush or other Combustible Materials shall be maintained a minimum of 30 feet. A reduced distance may be approved, but shall not be less than 15 feet, when a non-combustible barrier is provided between the flammable and hazardous material processes, storage and use areas and the grass, brush and Combustible Materials.

W105.6.3 Oil drilling operations. A minimum 100-foot clearance from grass, brush or other Combustible Materials shall be maintained from any oil well drilling operations.

W105.7 Correction of condition. The Fire Code Official is authorized to give notice to the owner of the property on which conditions regulated by Section W105.4, W105.5, and W105.6 exist to correct such conditions. The Fire Code Official may use the provisions for notice, abatement and collection of costs as provided by this Appendix.

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. The plan shall describe ways to minimize and mitigate the fire problems created by any project or development, with the purpose of reducing impact on the community's fire protection delivery system. Plan items shall include, but shall not be limited to:

1. A copy of the site plan showing property lines, all buildings and the 100-foot defensible space zone around each Building.
2. Water supply, fire apparatus access, Building ignition and fire-resistance factors, fire protection systems and equipment, Defensible Space and vegetation management.
3. Methods and timetables for controlling, changing or modifying areas on the property.
4. 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.
5. 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.

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 – 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 Fire District funds for such abatement and may contract with a Person or Persons for such abatement.

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.