

VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 32
Chapter 49 Excerpt

NOTE: This document includes all SFM Adopted language (unless amended / deleted) with VCFD Amendments merged.

CHAPTER 49
REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

User note:

Chapter 49 is adopted by the California State Fire Marshal. All state adopted language is in *italicized* font. Regular font is local adopted language.

About this chapter:

In addition to the building construction requirements in the California Building Code and California Residential Code, this chapter contains requirements for development and construction in Local Responsibility Areas (LRA) designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as State Responsibility Areas (SRA). While many of these provisions are found in Title 14 and Title 19 of the California Code of Regulations, they are replicated here for the code user. The local jurisdiction has the authority to apply the same regulations to LRA when the regulations are adopted by local ordinance. This chapter includes Ventura County Fire Protection District (VCFPD) amendments and local provisions applicable in WUI areas identified by the VCFPD.

The requirements in this chapter reference the process for adoption of Very High Fire Hazard Severity Zones in the LRA; criteria for evaluating existing subdivisions that are at significant fire risk and are without an adequate secondary egress; and criteria for fire safety provisions required in the Safety Element of a city or county General Plan.

The chapter includes mitigation strategies to reduce the hazards of fire originating within a structure spreading to wildland and fire originating in wildland spreading to structures. These strategies are included in the following requirements:

- 1. Development of fire protection plans.*
- 2. Development of landscape plans and long-term vegetation management.*
- 3. Creation and maintenance of defensible space to protect structures and subdivisions.*

SECTION 4901
GENERAL

4901.1 Scope. This chapter provides provisions intended to identify fire hazard areas and contains minimum requirements to mitigate the risk to life and Structures from intrusion of fire from wildland fire exposures, fire exposures from adjacent Structures, and to mitigate fires from spreading to wildland fuels, all of which 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 VCFPD requirements.

4901.2 Purpose. *The purpose of this chapter is to provide minimum standards to reduce the likelihood of life and property loss due to a wildfire through the use of performance and prescriptive requirements for construction and development in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Moderate, High or Very High Fire Hazard Severity Zone.* This chapter also provides requirements for defensible space within the boundaries of the VCFPD.

4901.3 Cost. The cost of any fire protection plan, Fuel Modification plan and vegetation management / landscape plan preparation and review required by this chapter shall be the responsibility of the applicant.

SECTION 4902 DEFINITIONS

4902.1 General. *For the purpose of this chapter, certain terms are defined as follows:*

COMBUSTIBLE FENCING. Any fencing material or installation that is not IGNITION-RESISTANT MATERIAL (as defined by CBC Chapter 7A). Combustible fencing includes wood, plastic, and other petroleum based, fence materials

DECK. A flat surface capable of supporting weight, similar to a floor, constructed outdoors and attached to or located within five (5) feet of a Structure, including porches, balconies, and stairs. A Patio on grade constructed of concrete, stone or similar materials is not a deck.

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.

DIRECTOR. *Director of the California Department of Forestry and Fire Protection (CAL FIRE).*

FIRE HAZARD SEVERITY ZONES. *Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High or Moderate in State Responsibility Areas or as Local Responsibility Area Very High, High or Moderate Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189.*

The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as “Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California.”

FIRE PROTECTION PLAN. *A document prepared for a specific project or development proposed for a Wildland-Urban Interface (WUI) Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.*

FIRE-RESISTANT VEGETATION. *Plants, shrubs, trees and other vegetation that exhibit properties, such as high moisture content, little accumulation of dead vegetation, and low sap or resin content, that make them less likely to ignite or contribute heat or spread flame in a fire than native vegetation typically found in the region.*

[Note: The following sources contain examples of types of vegetation that can be considered fire resistant vegetation. (Fire-resistant Plants for Home Landscapes, A Pacific Northwest Extension publication; Home Landscaping for Fire, University of California Division of Agriculture and Natural Resources; Sunset Western Garden Book)]

FUEL. Means any combustible material, including petroleum-based products, cultivated landscape plants, Ornamental Landscape, grasses, weeds, and wildland vegetation.

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.

HAZARDOUS FIRE AREA (HFA). Is land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion and includes any location within 500 feet of a forest or brush, grass, or grain covered land, exclusive of small individual lots or Parcels of land located outside of a brush, forest, or grain covered area. Such areas are designated by the Fire Code Official. The Fire Code Official is authorized to utilize, as references, the definition of Wildland-Urban Interface, State SRA

FHSZ maps, LRA FHSZ Maps designated pursuant to California Government Code, Sections 51175 through 51189, and the International Wildland-Urban Interface Code. Areas classified as a Hazardous Fire Area are designated as a WUI area for purposes of this chapter.

IGNITION-RESISTANT MATERIAL. *A type of building material that complies with the requirements in Section 704A.2 in the California Building Code.*

LADDER FUELS. Vegetative fuels which provide vertical continuity, thereby allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease.

LOCAL RESPONSIBILITY AREAS (LRA). *Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.*

ORNAMENTAL LANDSCAPE. All grasses, plants, trees, and other vegetation installed by a property owner. This is usually for aesthetic or privacy screening.

STATE RESPONSIBILITY AREAS (SRA). *Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing wildfires is primarily the responsibility of the state.*

VEGETATION. Means all plants, including trees, shrubs, grass, and perennial or annual plants.

WILDFIRE. *Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property or resources as defined in Public Resources Code, Sections 4103 and 4104.*

WILDFIRE EXPOSURE. *One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.*

WILDLAND-URBAN INTERFACE (WUI). *A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires including Hazardous Fire Areas.*

SECTION 4903 FIRE PROTECTION PLANS

4903.1 General. *A fire protection plan shall be submitted to the Fire Code Official for any proposed subdivision of land, or building project, when located in a WUI area.*

Exception: A single-family dwelling (Group R-3 Occupancy) when located on an existing legal parcel.

The Fire Protection Plan shall be *prepared to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards presented for the property under consideration* and reducing the impact on the community's fire protection delivery system.

The fire protection plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes.

A *preliminary fire protection plan* shall be submitted for review and approval prior to approval of any proposed project subject to a discretionary review by the Planning Department where the project is located.

4903.2 Contents. *The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history.*

The plan shall identify conformance with all applicable state wildfire protection regulations, statutes and applicable local ordinances, whichever are more restrictive.

The plan shall address fire department access, egress, road and address signage, water supply, in addition to fuel reduction, in accordance with Public Resources Code (PRC) 4290, this Code, and VCFPD Ordinance 29, as periodically amended; the defensible space requirements in accordance with PRC 4291, Government Code 51182, and Sections 4906 and 4907 of this chapter; and the applicable building codes and standards for wildfire safety. The plan shall identify mitigation measures to address the project's specific wildfire risk and shall include the information required in Section 4903.2.1.

4903.2.1 Project information. *The final fire protection plan shall be reviewed and approved prior to start of construction.*

4903.2.1.1 Preliminary fire protection plan. *When a preliminary fire protection plan is submitted, it shall include, at a minimum, the following:*

- 1. Total size of the project.*
- 2. Information on the adjoining properties on all sides, including current land uses, and if known, existing structures and densities, planned construction, natural vegetation, environmental restoration plans, roads and parks.*
- 3. A map with all project boundary lines, property lines, slope contour lines, proposed structure foundation footprints, and proposed roads and driveways. The map shall identify project fuel modification zones and method of identifying the fuel modification zone boundaries.*

4903.2.1.2 Final fire protection plan. Final fire protection plan shall include items listed in Section 4903.2.1.1 and the following:

1. A map identifying all proposed plants in the fuel modification zones with a legend that includes a symbol for each proposed plant species. The plan shall include specific information on each species proposed, including but not limited to:
 - a. The plant life-form;
 - b. The scientific and common name; and
 - c. The expected height and width for mature growth.
 - d. Identification of existing vegetation proposed to remain.
 - e. 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.
 - f. Methods and timetables for controlling, changing, or modifying areas on the property.
2. Identification of irrigated and non-irrigated zones.
3. Requirements for vegetation reduction around emergency access and evacuation routes.
4. Identification of points of access for equipment and personnel to maintain vegetation in common areas.
5. Legally binding statements regarding community responsibility for maintenance of fuel modification zones.
6. Legally binding statements to be included in covenants, conditions and restrictions regarding property owner responsibilities for vegetation maintenance.

SECTION 4904 FIRE HAZARD SEVERITY ZONES

4904.1 General. Lands in the state are classified by the Director in accordance with the severity of wildfire hazard expected to prevail in those areas and the responsibility for fire protection, so that measures may be identified which will reduce the potential for losses to life, property and resources from wildfire.

4904.2 Classifications. *The Director classifies lands into Fire Hazard Severity Zones in accordance with California Public Resources Code, Sections 4201 through 4204 for State Responsibility Areas and accordance with Government Code, Sections 51175 through 51189 for areas where a local agency is responsible for fire protection.*

4904.3 Local agency requirements. *Within 30 days after receiving a transmittal from the director that identifies Very High Fire Hazard Severity Zones, a local agency shall make the information available for public review. The information shall be presented in a format that is understandable and accessible to the general public, including, but not limited to, maps. A local agency shall post a notice at the office of the county recorder, county assessor and county planning agency identifying the location of the map provided by the director pursuant to Government Code, Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of Section 51179, the notice shall instead identify the location of the amended map.*

4904.3.1 Local agency ordinances. *A local agency shall designate, by ordinance, Very High Fire Hazard Severity Zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to Section 51178. The local agency shall transmit a copy of an ordinance adopted pursuant to Section 51179 (a) to the State Board of Forestry and Fire Protection within 30 days of adoption, as specified in Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 1.*

4904.3.2 Local agency discretion. *A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as Very High Fire Hazard Severity Zones by the director, as Very High Fire Hazard Severity Zones following a finding supported by substantial evidence in the record that the requirements of Government Code Section 51182 are necessary for effective fire protection within the area.*

SECTION 4905 WILDFIRE PROTECTION BUILDING CONSTRUCTION

4905.1 General. *Materials and construction methods for exterior wildfire exposure protection shall be applied within geographical areas where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities or result in large property losses.*

4905.2 Construction methods and requirements within established limits. *Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:*

- 1. California Building Code, Chapter 7A,*
- 2. California Residential Code, Section R337,*

3. California Referenced Standards Code, Chapter 12-7A.

4905.3 Establishment of limits. *The establishment of limits for the Wildland-Urban Interface (WUI) Fire Area's required construction methods shall be designated pursuant to the California Public Resources Code for State Responsibility Areas and California Government Code for Local Responsibility Areas (LRA) in Very High Severity Zones or by a local agency following a finding supported by substantial evidence in the record that the requirements of this section are necessary for effective fire protection within the area.*

4905.4 Fencing.

4905.4.1 Scope. This section only applies to fences, including gates within the fencing, within 5 feet of building(s) that are in the WUI area.

4905.4.2 New fencing. New fencing and gates installed on or after January 1, 2023, shall comply with the following:

1. Combustible fencing shall not be installed back-to-back. Two parallel combustible fences shall be separated by at least 5 feet.
2. There shall be no mulch, combustible vegetation, or any other combustible material lined at the bottom and within 12 inches on each side of combustible fences.
3. Fencing and gates that are not parallel to the building, and are within 5 feet of the building, shall be of non-combustible material.

4905.4.3 Existing fencing. Fencing installed prior to January 1, 2023, may remain.

Exception: The entire fencing not parallel and within 5 feet of the building, including gates within the fencing, shall be of non-combustible material when any portion of existing fencing within 5 feet is being replaced. Fencing beyond 5 feet from the building is not required to be replaced with non-combustible material.

4905.5 Building setbacks.

4905.5.1 Restricted development setbacks. New Structures and additions to existing Structures shall not be constructed less than 100 feet (30 480 mm) from any protected habitat, whether on the same or adjacent Parcels, where the 100 foot (30 480 mm) Defensible Space required under Section 4907.6 cannot be provided, unless an alternate method of construction and protection is provided that can ensure the safety of the Structure and emergency responders as approved by the Fire Code Official. Protected habitat includes lands restricted from brush clearance or modification due to Federal or State listed endangered species.

4905.5.2 Setback for Structures in FHSZs. New Structures in any FHSZ within the SRA, or Very High FHSZ in the LRA, shall be setback in accordance with California Code of Regulations, Title 14, Division 1, §1276.01 as amended from time-to-time. When the required setback cannot be provided, alternate methods shall be provided to reduce Structure-to-Structure ignition by incorporating a combination of features such as, but not limited to:

1. Ignition-Resistance fencing and gates.
2. Noncombustible material extending five (5) feet horizontally from the furthest extent of the Building.
3. Hardscape landscaping.
4. Reduction of exposed windows on the side of the Building with less than the required setback.

SECTION 4906 VEGETATION MANAGEMENT REQUIREMENTS FOR NEW LANDSCAPING

4906.1 General. *Planting of vegetation for new landscaping shall be selected to reduce non-fire-resistant vegetation in proximity to a structure and to maintain vegetation as it matures.*

4906.2 Application. *All new plantings of vegetation in State Responsibility Areas (SRA), provided when required by the enforcing agency Local Responsibility Areas (LRA) designated as a Very High Fire Hazard Severity Zone, and WUI areas identified by the fire code official, shall comply with Sections 4906.3 through 4906.5.3.*

4906.3 Landscape and Fuel Modification plans. *Landscape and Fuel Modification plans shall be submitted for any building project located in a WUI area. The landscape and Fuel Modification plan shall include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.*

4906.3.1 Contents. *Landscape plans shall contain the following:*

1. *Delineation of the 5-foot (Zone 0), 30-foot (9144 mm) (Zone 1) and 100-foot (30.5 m) (Zone 2) fuel management zones from all structures.*
2. *Identification of existing vegetation to remain and proposed new vegetation.*
3. *Identification of irrigated areas.*
4. *A plant legend with both botanical and common names, and identification of all plant material symbols.*

5. *Identification of ground coverings within the 30-foot (9144 mm) zone.*

4906.4 Vegetation. *All new vegetation shall be fire-resistant vegetation in accordance with this section and the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.*

To be considered fire-resistant vegetation, it must meet at least one of the following as approved by the Fire Code Official:

- 1. Be identified as fire-resistant vegetation in an approved book, journal or listing from an approved organization.*
- 2. Be identified as fire-resistant vegetation by a licensed landscape architect with supporting justification.*
- 3. Plants considered fire-resistant vegetation and approved by the local enforcing agency.*

4906.5 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.*

4906.5.1 *Access to greenbelts. A minimum of one (1) access point shall be provided to new greenbelts at an approved location to allow for on-going maintenance and firefighter access. Additional access points shall be provided when required by the fire code official.*

SECTION 4907 DEFENSIBLE SPACE

4907.1 General. *Vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.*

4907.2 Application. *Buildings and structures located in the following areas shall maintain the required defensible space:*

- 1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as a State Responsibility Area (SRA).*
- 2. Land designated as a Very High Fire Hazard Severity Zone by the Director.*

3. Land designated in ordinance by local agencies as a Very High Fire Hazard Severity Zone pursuant to Government Code Section 51179.

4. Land designated as a WUI area by the fire code official.

4907.3 Requirements. *Vegetation and fuels around all buildings and structures shall be maintained and spaced at all times in accordance with the following laws and regulations. Should a conflict of any requirements occur, the most restrictive requirement shall prevail:*

1. *Public Resources Code, Section 4291.*

2. *California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.*

3. *California Government Code, Section 51182.*

4. *California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.*

5. The requirements of Chapter 49, and the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

4907.3.1 Retroactivity. There is no “grandfathering” or exemptions for existing Defensible Space zones, unless specifically identified within the State Law or this Code. When required by the Fire Code Official, or State Law, existing Defensible Space/Fuel modification zones (FMZs) shall require retrofitting, including thinning and or removal of plants, trees, and vegetation, to meet this Code, the Defensible Space and Fuel Modification Standards as issued by the fire code official, or State Law. Upon notification by the Fire code official, and when approved, work to bring an existing Defensible Space and FMZ into compliance with this Code, and the Defensible Space and Fuel Modification Standards, may be done over a two-four (2-4) year period as determined by the fire code official. A compliance plan prepared by the property owner may be requested for review and approval by the fire code official.

4907.4 Responsibility and costs. The responsibility to provide and maintain any required defensible space, including any associated costs, shall be that of the actual owner of the of land, or portion of land, within the required 100-foot clearance zone except as indicated in section 4907.4.1 or 4907.4.2.

4907.4.1 County of Ventura road right-of-way. The responsibility and any associated costs for the clearing and providing the required Defensible Space or roadside clearance upon any County of Ventura Road right-a-way (ROW), in the area between the back of curb, or back edge of any improved shoulder (graded or paved), shall be that of the actual owner of the of land, or portion of land, abutting the ROW within the required 100-foot clearance zone from any building., or roadside clearance area. In cases where no road has been installed, the abutting property owners shall be responsible to the centerline of

the ROW. Reference: Ventura County Ordinance Code Division 12, Chapter 7, 12701-12703 (VC Ordinance 4355)

4907.4.2 Private road parcels. The responsibility and any associated costs for the clearing and providing the required defensible space upon any private road parcel, where no ownership can be established, shall be that of the actual owner of the of land, or portion of land, abutting the private road parcel and to the centerline of the private road parcel.

4907.5 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 4907.6 may be used.

4907.6 Clearance of fuels or vegetative growth from structures.

4907.6.1 Structures. Any Person owning, leasing, controlling, operating or maintaining any Building in, upon, or adjoining any WUI 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, that are well-pruned, maintained, and spaced, and do not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure, and are in accordance with the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

4907.6.2 Timing for new Buildings and additions to existing Buildings. The provisions of Section 4907.6 shall be completed prior to vertical construction of any new building or addition to an existing building.

4907.6.3 Detached accessory Buildings. Detached accessory Buildings are not subject to the clearance requirements of Section 4907.6 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 50 feet from any other Building subject to the clearance requirements of 4907.6.1.

3. The Building does not contain any hazardous items or material/process requiring a fire code permit.
4. The area within 10 feet of the building has been cleared to bare mineral earth and there is no combustible vegetation within 20 feet of the building.

4907.6.4 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 sq ft of combined panel area.
2. A minimum 30-foot clearance for clusters of panels greater than 1,500 sq ft 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 Section 4906 unless the clearance requirements of Section 4906 are provided as measured from the perimeter of the panel or cluster.

4907.6.5 Prefabricated sea cargo/metal storage containers used for storage. The clearance requirements of 4907.6.1 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.

4907.7 Defensible Space clearance zones and requirements. The required 100-foot Defensible Space clearance is identified in three (3) distinct zones: Zone 0, 1 and 2. Additional clearance beyond the required 100-foot Defensible Space is identified as Zone 3.

4907.7.1 Requirements. Defensible space shall be in accordance with the requirements of the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official and the specific requirements for each zone listed in Section 4907.7.2 through 4907.7.5.

4907.7.2 Zone 0 purpose and location. Zone 0 reduces the likelihood of structure ignition by reducing the potential for direct ignition of the structure from flame contact, by embers that accumulate at the base of a wall, and/or indirect ignitions when embers ignite vegetation, vegetative debris or other combustible materials located close to the structure that result in either a radiant heat and/or a direct flame contact exposure to the structure.

Zone 0 is the horizontal area within the first five feet around the structure, any outbuildings, and attached decks, and stairs. Zone 0 is measured from the edge of a structure, attached decks, patio covers, balconies, and floor projections above grade, Zone 0 also includes the area on the roof of a building, and underneath and on top of: attached decks, patio covers, balconies, and stair landings.

Advisory Notice: VCFPD has local Zone 0 requirements currently in effect for new buildings and additions to existing buildings. As required by State Law, Assembly Bill 3074 (Chaptered September 2020), new State regulations for Zone 0, currently under development by the State Board of Forestry and Fire Protection, are scheduled to take effect in early 2023 for all new buildings, and one (1) year thereafter, for all existing buildings. Any State regulation more restrictive than this ordinance or the requirements of Defensible Space and Fuel Modification Standards, as issued and approved by the Fire Code Official, will apply.

4907.7.2.1 Decks. Vegetation is prohibited underneath any deck. Other fuels underneath decks may be limited and shall not cause an ignition due to embers.

4907.7.2.2 Mulch and wood chips. Combustible mulch and wood chips are prohibited in Zone 0.

4907.7.2.3 Firewood. Firewood shall be removed from Zone 0.

4907.7.2.4 Roofs. Trees shall be trimmed to provide a minimum 3-foot clearance above any roof, patio cover, or other projection from the building. All roofs and gutters shall be kept free of leaves, needles, or other combustible vegetation.

4907.7.2.5 Landscaped roofs. Landscape roofs shall comply with Section 317, 4907.7.1, and 4907.7.2.

4907.7.2.6 New trees. New trees are not allowed in Zone 0.

4907.7.2.7 Artificial or synthetic grass is prohibited within Zone 0.

4907.7.3 Zone 1 purpose and location. Zone 1 reduces the likelihood of fire burning directly to the structure. This is accomplished by modifying fuels and creating a discontinuity between planting groups that limits the pathways for fire to burn to the structure and reduces the potential for near-to-building ember generation and radiant heat exposures. An additional purpose of this zone is to provide a defensible area for fire personnel to stage and take direct action.

Zone 1 is the area within 5-30 feet of structures and decks, with slopes not greater than 20 percent; 5-50 feet from buildings and decks, when slopes are greater than 20 percent.

4907.7.4 Zone 2 purpose and location. Zone 2 is designed to reduce the potential behavior of an oncoming fire in such a way as to drop an approaching fire from the crown of trees to the ground, reducing the flame heights, and the potential for ember generation and radiant heat exposure to structures. Additional benefits of the Zone 2 include facilitating direct defense actions and improving the function of Zones 0 and 1.

Zone 2 is the area from the outer edge of Zone 1 to 100-feet from structures and decks.

4907.7.4.1 Spacing. Spacing of vegetation and trees at the outer edge of Zone 2 shall be based upon the height of the vegetation within Zone 2 or the adjacent area beyond the 100-foot zone, whichever provides for the greater spacing. This may require clearance outside the 100-foot zone or setting back vegetation and trees within Zone 2 away from the 100-foot line.

4907.7.5 Zone 3 purpose and location. Zone 3 is considered a thinning zone and is any FMZ greater than 100-feet from structures and decks. When provided, either by conditions of development, voluntary by the property owner, or required by the Fire Department, this zone is more of a progressive thinning zone to lessen spread of fire as it approaches the primary FMZ adjacent to structures. The amount of fuel reduction and removal should take into consideration the type and density of fuels, aspect, topography, weather patterns, and fire history.

4907.7.6 General requirements for Zones 0,1 and 2.

4907.7.6.1 All dead or dying grass; plants; shrubs; trees; branches; leaves; weeds; and tree needles, shall, be removed.

4907.7.6.2 Mulch and wood chips within Zone 1 and Zone 2. Use of combustible mulch and wood chips 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.

4907.7.6.3 Firewood piles. Exposed firewood piles not exceeding 1,000 cubic feet within a WUI Area shall be located a minimum of 30 feet from any Building and/or combustible vegetation. See Section 4911.10.4 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.

4907.7.6.4 Clearance from chimney, stovepipe. Any portion of a tree or shrub that extends within 10 feet horizontally or vertically of a chimney outlet or stovepipe outlet

shall be removed.

4907.7.6.5 Trees. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10-feet (3048 mm) from any combustible structure.

4907.7.6.5.1. Tree spacing. The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 20-feet in Zone 1 and not less than 10-feet (3048 mm) in Zone 2. Separation distance may be increased for slopes exceeding 20%. Required spacing is measure between tree canopies at maturity.

4907.7.6.5.2. Ground clearance of trees. Trees exceeding 6-feet in height shall be limbed up from the ground 6-feet or 1/3 the height of the tree, whichever is less. Exception: Fruit trees when approved.

4907.7.6.5.3 Ground cover under tree canopy. When approved ground cover and shrubs are located underneath trees, the vertical clearance to the lowest branch of the tree canopy shall not be less than three times the height of ground cover or shrub under or adjacent to the tree. The horizontal clearance shall be 3-feet from the trunk of the tree.

4907.7.6.6 Continuous tree canopies.

4907.7.6.6.1 New Structures. Continuous tree canopies are not allowed. Tree spacing shall be in accordance with the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

4907.7.6.6.2 Existing Structures prior to April 19, 2019. Continuous tree canopies may be allowed as determined by the Fire Code Official but will require the complete removal of any understory and smaller trees to meet requirements for a shaded fuel zone. Any remaining trees shall be limbed up a minimum 12 feet from the ground or 1/3 the tree height, whichever is less. The intent is to not allow a crown (canopy) fire to spread unchecked to a structure and to bring any crown fire down to the ground level prior to Zone 1.

4907.7.6.7 Grasses. Natural or annual grasses shall be mowed to a maximum height of 3-inch stubble with clippings removed.

4907.8 Fire protection equipment and utilities. The clearance requirements of Sections 4907.6 and 4907.7 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.

4907.9 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.

4907.10 Clearance of brush and vegetative growth from electrical transmission and distribution lines.

4907.10.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with the Section 4907.10.1 through 4907.10.4.4, California Public Resources Code (PRC) and California Code of Regulations (CCR) Title 14.

Exception: Section 4907.10 does not authorize Persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

4907.10.2 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.

4907.10.3 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.

4907.10.4 Electrical distribution and transmission line clearances.

4907.10.4.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section 4907.10.4.

4907.10.4.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table 4907.10.4.2 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 4907.10.4.3 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

**TABLE 4907.10.4.2
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.

4907.10.4.3 Minimum clearance to be maintained. Clearances not less than those established by Table 4907.10.4.3 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 4907.10.4.3 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

**TABLE 4907.10.4.3
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.

4907.10.4.4 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 4907.10.4.3.

4907.11 Ignition sources.

4907.11.1 General. In addition to the requirements of other sections of this Code, ignition sources shall be in accordance with Section 4907.11.3 and includes, but not limited to, electrical panels, flare stacks, generators, fixed equipment, and machinery capable of producing sparks.

4907.11.2 Objective. Regulations in this section are intended to provide minimum requirements to prevent the occurrence of wildfires from ignition sources.

4907.11.3 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.

4907.12 Flammable and hazardous material processes, storage, and use.

4907.12.1 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 4907.12.2 and 4907.12.3.

4907.12.2 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.

4907.12.3 Oil drilling operations. A minimum 100-foot clearance from grass, brush or other Combustible Materials shall be maintained from any oil well drilling operations.

4907.13 Disposal. All Fuels and Vegetation cut and or removed to provide the required Defensible Space, including clearing of land for a new building, shall be disposed of in accordance with all applicable Federal, State, and Local Laws and Regulations. Cut and or removed Fuels and Vegetation shall not be relocated outside the required Defensible Space zone. Burning of Fuels and Vegetation for disposal is prohibited.

4907.14 Correction of conditions. The Fire Code Official is authorized to give notice to the owner of the property on which conditions regulated by Section 4907.10, 4907.11, and 4907.12 exist to correct such conditions. The Fire Code Official may use the provisions for notice, abatement and collection of costs as provided by this Sections 4907.15, 4907.16, and 4907.17.

4907.15 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.

4907.15.1 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.

4907.16 Clearance upon default of owner or lessee.

4907.16.1 Notice. The Fire Code Official may, instead of or in addition to following the procedure set forth in Section 4907.15, cause a notice to be mailed.

4907.16.2 Mailed notice. If a notice is mailed, the Fire Code Official shall provide information specified in Section 4907.15 and shall include a description of the property according to that set forth on the County assessment roll (Assessor Parcel Number – APN), 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.

4907.16.3 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, APN, 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.

4907.16.4 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 4907.16.6 shall apply. Ref: H&S 14900.5

4907.16.5 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. (APN).

4907.16.6 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 enter the property to abate the fire hazard in accordance with Health and Safety Code Section 14901. The Fire Code Official may expend Fire District funds for such abatement and may contract with a Person or Persons for such abatement.

4907.17 Collection of the cost of abatement.

4907.17.1 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, (APN) of the Parcel upon which such Public Nuisance.

4907.17.2 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.

4907.17.3 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. In the case of common homeowner or property owner association land, the amount of expense may be prorated and attached to each real parcel of ownership within the association.

4907.17.4 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.

4907.17.5 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.

4907.18 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.

4907.18.1 Release of recorded notice. The Fire Code Official shall record a Release of Notice within 30 Days whenever the conditions listed under Section 4907.18 no longer exist.

SECTION 4908 FIRE SAFE DEVELOPMENT REGULATIONS

4908.1 General. Pursuant to PRC 4290 all residential, commercial and industrial building construction within state responsibility areas approved after January 1, 1991, and within lands classified and designated as an LRA Very High Fire Hazard Severity Zone, as defined in subdivision (i) of Section 51177 of the Government Code after July 1, 2021, shall comply with the SRA Fire Safe Development Regulations as specified in Title 14, Division 1.5, Chapter 7, Subchapter 2.

4908.2 Subdivision map findings. Pursuant to Government Code (GC), Section 66474.02, before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in an SRA or an LRA Very High Fire Hazard Severity Zone, as both are defined in GC Section 51177, a legislative body of a county, except as provided in GC Subsection 66474.02(c), shall make findings regarding compliance with the SRA Fire Safe Regulations and the availability of structural fire protection and suppression services. These findings and accompanying map shall be transmitted to the Board of Forestry and Fire Protection and comply with the requirements in Title 14, Division 1.5, Chapter 7, Subchapter 1, Article 1.

SECTION 4909 SUBDIVISION REVIEW SURVEY

4909.1 Subdivision identification. Pursuant to Public Resources Code Section 4290.5 and

Title 14, Division 1.5, Chapter 7, Subchapter 1, Article 2, the Board, in consultation with the Office of the State Fire Marshal, shall survey local governments to identify existing subdivisions, as defined in Article 2, located in an SRA area or an LRA Very High Fire Hazard Severity Zone without a secondary egress route that is at significant fire risk.

4909.2 Fire safety recommendations. The Board, in consultation with the Office of the State Fire Marshal and the local government that identified the subdivision, shall develop recommendations to improve the subdivision's fire safety. The Board shall provide the final recommendations to the local government that identified the subdivision and to the residents of the subdivision.

4909.3 Implementation. The Board shall maintain a list of the subdivisions identified and the status of the implementation of the recommendations provided.

4909.4 Re-survey. Beginning July 1, 2021, the Board shall conduct this survey every 5 years.

SECTION 4910 GENERAL PLAN SAFETY ELEMENT

4910.1 General. Pursuant to Government Code Section 65302(g)(3), the safety element of a city or county's General Plan shall be reviewed and updated as necessary to address the risk of fire for land classified as SRA, as defined in Section 4102 of the Public Resources Code, and land classified as an LRA Very High Fire Hazard Severity Zone, as defined in Section 51177.

4910.2 Submission to the Board of Forestry and Fire Protection and local fire agencies. Pursuant to Government Code Section 65302.5(b)(1), the draft element of, or draft amendment to, the safety element of a county or a city's general plan shall be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either of the following: the adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas; or the adoption or amendment to the safety element of its general plan for each city or county that contains a Very High Fire Hazard Severity Zone as defined pursuant to subdivision (i) of Section 51177.

4910.3 Review by the Board of Forestry and Fire Protection and local fire agencies. The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and recommend changes to the planning agency within 60 days of its receipt regarding the requirements in Government Code Section 65302.5(b)(2). The review by the Board of Forestry and Fire Protection is governed by Title 14, Division 1.5, Chapter 7, Article 6.

4910.4 Adoption of the safety element. Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the council of a city shall consider the recommendations, if any, made by the State Board of Forestry and Fire Protection and any

local agency that provides fire protection to territory in the city or county. The board of supervisors or city council shall respond to the Board of Forestry and Fire Protection and any local agency providing fire protection in compliance with Government Code Section 65302.5(b)(3) and (b)(4) and Title 14, Division 1.5, Chapter 7, Article 6.

SECTION 4911 FIRE SAFETY PROVISIONS FOR WILDLAND URBAN INTERFACE AREAS

4911.1 Scope. The provisions of this appendix establish general requirements applicable to new and existing properties located within WUI areas.

4911.2 Objective. The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a WUI area and improve the capability of controlling such fires.

4911.3 Vegetation management. Vegetation management shall comply with Section 4906 and 4907.

4911.4 Access restrictions.

4911.4.1 Restricted entry to public lands. The Fire Code Official is authorized to determine and publicly announce when a WUI area shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of a WUI AREA, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the WUI area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within a WUI area and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

4911.4.2 Trespassing on posted private property.

4911.4.2.1 General. When the Fire Code Official determines that a specific area within a WUI area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to Structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section 4911.4.2.2.

4911.4.2.2 Signs. Approved signs prohibiting entry by un-authorized Persons and

referring to this Code shall be placed on every closed area.

4911.4.2.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized Persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

4911.5 Use of fire roads and Defensible Space. Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or Defensible Space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or Defensible Space. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or Defensible Spaces, unless located 16 feet (4,877 mm) or more above such fire road or Defensible Space.

Exception: This section does not apply to public officers acting within their scope of duty.

4911.6 Use of motorcycles, motor scooters, ultralight aircraft, and motor vehicles. Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within a WUI area without a permit by the Fire Code Official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

4911.7 Use of equipment.

4911.7.1 General. Except as otherwise provided in this section, no Person shall use, operate or cause to be operated, in upon or adjoining any WUI area, any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with an approved spark arrestor maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

4911.7.2 Location. Spark arresters affixed to the exhaust system of engines or vehicles subject to this Section 4911.7 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4911.7.3 Construction. A spark arrester is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58mm) in size from the exhaust flow of an internal combustion engine the uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service (USFS) and bears said USFS approval stamp.

4911.7.4. Other vehicles. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to Section 4911.7 if the exhaust system is equipped with a muffler as defined in the California Vehicle Code and the muffler is maintained in proper working condition.

4911.7.5 Turbocharged engines. Turbocharged engines are not subject to Section 4911.7 if all exhaust gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere and the turbocharger is in effective mechanical condition.

4911.7.6 Private closed courses. Section 4911.7 shall not apply to an organized closed course facility if measures to prevent, control and extinguish any fire resulting from use of internal combustion engines are approved by the Fire Code Official. A Fire Protection Plan may be required.

4911.8 Tampering with locks, barricades, signs, and address markers. Locks, barricades, seals, cables, signs, and address markers installed within a WUI area, by or under the control of the Fire Code Official, shall not be tampered with, mutilated, destroyed, or removed. Gates, doors, barriers, and locks installed by or under the control of the Fire Code Official shall not be unlocked.

4911.9 Ignition source control.

4911.9.1 General. Ignition sources shall be in accordance with Section 4911.9 and this Code.

4911.9.2 Objective. Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

4911.9.3 Smoking. When required by the Fire Code Official, signs shall be posted stating NO SMOKING. No Person shall smoke within 15 feet (4,572 mm) of Combustible Materials or non-fire-resistive vegetation.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the Fire Code Official.

4911.9.4 Equipment and devices generating heat, sparks, or open flames. Equipment and devices generating heat, sparks, or open flames capable of igniting nearby combustibles shall not be used in WUI areas without a permit from the Fire Code Official.

Exception: Use of approved equipment within places of habitation or designated campsites that are a minimum of 30 feet (9,144 mm) from grass-, grain-, brush- or forest-covered areas.

4911.9.5 Outdoor fires.

4911.9.5.1 Permits. No Person shall ignite, kindle, or maintain Open Burning or a portable outdoor fireplace in a wildland fire area except by the authority of a written permit from the Fire Code Official or when by an approved California Campfire Permit issued by the California Wildland Fire Coordinating Group. For the purpose of this section a wildland fire area is land which is covered by grass, grain, brush or forest whether privately or publicly owned.

Exceptions:

1. Recreational Fires and portable outdoor fireplaces on properties of one and two-family dwellings when the fire is within 75 feet of the dwelling and there is a minimum of 100 feet of Defensible Space for the Structure.
2. Designated campsites where such fires are in a permanent barbeque, portable barbeque, outdoor fireplace, incinerator, or grill.

4911.9.5.2 Additional requirements. In addition to the requirements of this Code for Open Burning and portable outdoor fireplaces, the following requirements shall apply:

1. Fire shall be extinguished when winds of 15 miles per hour or higher are present
2. The Fire Code Official may incorporate such terms and conditions that will reasonably safeguard public safety and property.
3. A responsible Person of at least 17 years old is present to attend to the fire.

4911.9.6 Incinerators, outdoor fireplaces, permanent, and grills. Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained in a WUI area without approval of the Fire Code Official. Incinerators, outdoor fireplaces, permanent barbecue, and grills shall be maintained in good repair, and in a safe condition, at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen, or door.

Exception: When approved by the Fire Code Official, unprotected openings in barbecues and grills necessary for proper functioning.

4911.9.7 Reckless behavior. The Fire Code Official is authorized to stop any actions of a Person or Persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

4911.9.8 Tracer bullets, tracer charges, rockets, and model aircraft. Tracer bullets and tracer charges shall not be processed, fired, or caused to be fired into or across any WUI area. Rockets, model aircraft, balloons, or similar devices, powered with an engine, propellant, or other feature liable to start or cause a fire shall not be fired or projected into or across any WUI area.

4911.9.9 Outdoor gun ranges and target shooting. Outdoor gun ranges and target shooting shall be situated to prevent fires spreading into a WUI area. Any gun range located within a WUI area shall be provided with a 30-foot (9 144 mm) wide area clear of combustible vegetation around the entire range and a 10-foot (3 048 mm) wide area clear of combustible vegetation around individual targets.

4911.10 Control of storage.

4911.10.1 General. In addition to the requirements of other sections of this Code, storage and use of the materials shall be in accordance with Section 4911.10.

4911.10.2 Hazardous materials. Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m³) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

4911.10.3 Explosives. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported, or disposed of within a WUI area, except by permit from the Fire Code Official.

4911.10.4 Combustible Materials.

4911.10.4.1 General. Outside storage of Combustible Materials such as, but not limited to, wood, rubber tires, building materials or paper products when located within a WUI area shall comply with the other applicable sections of this Code and Section 4911.10.4.

4911.10.4.2 Individual piles. Individual piles shall not exceed 5,000 square feet (465 m²) of contiguous area. Piles shall not exceed 50,000 cubic feet (1 416 m³) in volume or 10 feet (3 048 mm) in height.

4911.10.4.3 Separation. A clear space of at least 40 feet (12 192 mm) shall be provided between piles and any Building. A minimum 10-foot (3 048 mm) clear space shall be provided for piles less than 1,000 cubic feet. The clear space shall not contain Combustible Material or non-fire-resistive vegetation. See Section 4907.7.5.3 for firewood piles under 1,000 cubic feet when located in a WUI Area.

4911.11 Dumping.

4911.11.1 Waste material. Waste material shall not be placed, deposited, or dumped within a WUI area, or in, on or along trails, roadways, or highways or against Structures in WUI areas.

Exception: Approved public and approved private dumping areas.

4911.11.2 Ashes and coals. Ashes and coals shall not be placed, deposited, or dumped in or on a WUI area.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a non-combustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3 048 mm) from non-fire-resistive vegetation or Structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7 620 mm) from non-fire-resistive vegetation or Structures.

4911.12 Land use limitations.

4911.12.1 General. Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions and similar uses located within a WUI area must comply with all other provisions of this Code and this section.

4911.12.2 Objective. The increased public use of land or Structures within a WUI area also increases the potential threat to life safety. The provisions of this section, including enhanced access for ingress and egress, are intended to reduce that threat.

4911.12.3 Permits. Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions, or similar uses, shall not be allowed within a designated WUI area, except by permit from the Fire Code Official. Permits shall incorporate such terms and conditions that will reasonably safeguard public and emergency responder safety and property protection. Items to consider included, but are not limited to type of event, attendance, time of year, site location, terrain, surrounding fuels (brush), access roadways, water supplies, and distance to fire stations.

4911.12.4 Access roadways. In addition to the requirements in Fire District Ordinance Number 29, increased access roadway widths and additional access may be required by the Fire Code Official. When required by the Fire Code Official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

**SECTION 4912
FINDINGS**

4912.1 Findings. The Board of Directors find that the findings, made by the California State Legislature during the approval of State Statutes and reprinted herein, support and authorize the local amendments to the 2022 California Fire Code Chapter 49 as adopted by the California State Fire Marshal.

4912.1.1 Government Code Section 51175 The Legislature hereby finds and declares as follows:

(a) Wildfires are extremely costly, not only to property owners and residents, but also to local agencies. Wildfires pose a serious threat to the preservation of the public peace, health, or safety. The wildfire front is not the only source of risk since embers, or firebrands, travel far

beyond the area impacted by the front and pose a risk of ignition to a structure or fuel on a site for a longer time. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public peace, health, or safety.

(b) The prevention of wildland fires is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

(c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

4912.1.2 Assembly Bill 38 Chaptered October 2, 2019. The Legislature finds and declares all of the following:

(a) Climate change has resulted in higher year-long temperatures and increasing dry weather conditions in California, resulting in extended, sometimes multiyear, droughts; extended wildfire seasons throughout the year, with higher temperatures during dry season conditions; and impacts on vegetation wildfire fuel loads and increasing decay and loss of vegetation due to insect infestations and plant diseases.

(b) Wildfires have grown larger and have increased in intensity over the last several decades. As compared with 1986, wildfires in the western United States have occurred nearly four times more often, burning more than six times the land area and lasting almost five times as long. Through the end of the 2017 calendar year, 11 of the 20 most destructive wildfires in California have occurred in the last 10 years. The 2018 calendar year witnessed the most destructive wildfires in California history in terms of the loss of life and structures.

(c) In terms of the size of wildfires, in the last decade, enormous wildfires have consumed vast areas, including the 2013 Rim Fire impacting national park and national forest lands, the 2017 Napa Valley, Sonoma Valley, and Santa Rosa wildfires, the 2017 Thomas Fire impacting 200,000 acres, and the 2018 Camp Fire.

(d) Wildfires, which have impacted occupied areas, have resulted in enormous human and financial costs, including the following:

(1) The 1991 Berkeley-Oakland Tunnel Fire, which resulted in 25 deaths, the loss of more than 3,000 homes, and a total financial loss of \$1.5 billion in 1991 United States dollars.

(2) The 2003 San Diego Cedar Fire, which resulted in 15 deaths and the loss of 2,000 structures.

(3) The 2017 Tubbs Fire, which resulted in 22 deaths, the loss of 5,643 structures, and a total financial loss of approximately \$1.3 billion in 2017 United States dollars.

(4) The 2017 Thomas Fire, which resulted in two deaths, the loss of more than 1,000 homes, and a total financial loss of approximately \$2.2 billion in 2018 United States dollars.

(5) The 2018 Camp Fire, which resulted in 89 deaths, the loss of 18,804 structures, and at least \$12.4 billion in 2018 United States dollars in insured losses.

(e) More than 2,000,000 California households, approximately one in four residential structures in California, are located within or in wildfire movement proximity of “high” or “very high” fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection. Additionally, areas subject to seismic risks confront the likelihood that wildfires could result from downed power lines and ruptures of natural gas lines caused by earthquakes.

(f) There is a pressing need for wildfire prevention and minimization strategies, on an area-specific basis, that combine increased wildfire resistance within developed areas to minimize wildfire impacts with comprehensive vegetation management measures in wildlands to prevent or severely limit large-scale wildfires from developing and spreading as follows:

(1) Wildfire minimization programs. Developed areas need to carry out comprehensive urban vegetation management programs to reduce vegetation wildfire fuel loads within developed areas. Further, there is a need to provide funding for the hardening of homes and other structures to increase their resistance to wildfires.

(2) Wildfire prevention programs. Comprehensive wildlands vegetation management, responsive to the widely varying vegetation conditions throughout California, is required to reduce vegetation wildfire fuel loads, in relation to the flammability of different vegetation types, to the maximum extent feasible to prevent or severely limit the spread of wildfires.

(3) Wildfire response planning. Area-specific plans should include measures needed to include planning for safe wildlands access for firefighters to the maximum extent feasible.

(g) The diversity of vegetation and development patterns through the state necessitate a geographic approach to planning and implementing wildfire prevention and minimization strategies with fire prevention management agencies covering the geographic areas in which wildfires have or may occur.

(h) Local public agencies have made efforts to prevent wildfires, but, in many instances, lack the expertise, authority, or the financial resources to undertake or complete the tasks at hand.

(i) Wildfires do not respect jurisdictional boundaries or property lines.

4912.1.3 Assembly Bill 3074 Chaptered September 29, 2020.

(a) The Legislature finds and declares all of the following:

(1) Catastrophic wildfires pose an urgent threat to lives, properties, and resources in California. The state experienced the deadliest and most destructive wildfires in its history in 2017 and 2018. Fueled by five years of drought, unprecedented buildup of dry vegetation, and extreme winds, the size and intensity of recent wildfires caused the loss of more than 100 lives, the destruction of tens of thousands of homes and businesses, and the exposure of millions of urban and rural Californians to unhealthy air. Compared with fire activities in 1986, recent wildfires in the western United States have occurred nearly four times more often, burned more than six times the land area, and lasted almost five times as long.

(2) Climate change, an epidemic of dead and dying trees, a century of fire exclusion, and the proliferation of new homes in the wildland-urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25,000,000 acres of California wildlands are classified as under very high or extreme fire threat, extending that risk over one-half of the state. More than 2,000,000 California households and approximately one in four residential structures in California are located within or near “high” or “very high” fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection.

(3) Certain populations in the state are particularly vulnerable to wildfire. These Californians live in communities that face near-term public safety threats given their location and geography. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates that vulnerability.

(4) While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, the intensity of the wildfire threat in California warrants higher levels of action and fortitude. California must develop scalable statewide options to encourage cost-effective structure hardening to create fire-resistant homes, businesses, and public buildings within wildfire hazard areas, with a focus on vulnerable communities.

(5) California must also increase the pace and scale of defensible space assessments, inspections, and community education across the state. Creating and maintaining defensible space is essential for increasing a home’s chance of surviving a wildfire. California should encourage and use all available resources, including community organizations and local governments, to help homeowners and businesses understand how to create and maintain defensible space around their properties.

(6) Ember ignitions are responsible for the majority of wildland fire home ignitions. Establishing a five-foot ember-resistant zone around a structure to eliminate specified materials near structures that will likely be ignited by embers provides important new protections that enhance a home’s chance of surviving a wildfire.