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ORDINANCE NO. 5101

AN ORDINANCE ADDING CHAPTER 8.09 VEGETATION MANAGEMENT AND DEFENSIBLE SPACE TO TITLE 8: PUBLIC HEALTH AND SAFETY

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

CHAPTER 8.09 – VEGETATION MANAGEMENT AND DEFENSIBLE SPACE

Section 8.09.010. – Title.

This chapter shall be known and may be referred to in all proceedings as the County Vegetation Management and Defensible Space Ordinance. The purpose of the ordinance is to provide for the removal of hazardous vegetation and combustible materials situated in the unincorporated areas of the county so as to reduce the potential for fire and to promote the safety and welfare of the community.

Section 8.09.020: Findings

- A. The Board of Supervisors of El Dorado County (hereinafter “County”) finds and declares that the uncontrolled growth and/or accumulation of weeds, grasses, hazardous vegetation and combustible materials or obstructions on sidewalks, streets, and on lands or lots within the County is dangerous or injurious to neighboring property and the health, safety and welfare of residents of the County. Such growth and accumulation constitute a public nuisance in that it creates fire hazards, reduces the value of private property, promotes blight and deterioration, invites plundering, constitutes an unattractive nuisance and creates a hazard to the health, safety and general welfare of the public.
- B. It is the intent of the County that this Ordinance shall apply to an annual program for the abatement of the growth and/or accumulation of weeds, grasses, shrubs, dormant brush, slash, tree limbs, hazardous vegetation and combustible materials on all improved parcels and designated unimproved parcels within the County and maintenance of those parcels to prevent vegetation from growing back;
- C. The County is located in a wildland/suburban interface in which many of the native and non-native plant species within the jurisdictional boundaries of the County are highly flammable during dry periods and have contributed to significant wildfires resulting in catastrophic fire

losses to life, property and the environment. The risk of significant wildfires continues to increase for numerous reasons.

- D. The County has a diverse and complex landscape which includes mountains, forests and other brush, or grass covered wildlands which have the potential to fuel a catastrophic fire event;
- E. Of paramount importance to the Board of Supervisors and the citizens of the County is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires;
- F. It is the purpose of this Ordinance to establish a hazardous vegetation and combustible material abatement program that protects the lives and property of the citizens of the County and;
- G. It is the County's intent to make fire safe communities, thus giving citizens better opportunities for affordable fire insurance.

Section 8.09.030: Definitions

Accumulation of Weeds, Grasses, Hazardous Vegetation and Combustible Materials means allowing the growth or accumulation of weeds, grasses, hazardous vegetation and or the accumulation of combustible materials as defined below.

Combustible Material means the accumulation of garbage, rubbish, waste or material of any kind other than hazardous vegetation that is flammable and endangers the public safety by creating a fire hazard.

County Emphasis Area means an area designated by the County for focused, proactive inspections.

Defensible Space ~~means a defensible space,~~ in the context of fire control, is a natural and/or landscaped area around a structure that has been maintained and designed to reduce fire danger.

Enforcement Official – Chief administrative officer or her/his designees.

Fire Chief means the Chief of any fire department/district located wholly or partially located in El Dorado County.

Garbage includes, but is not limited to, the following: waste resulting from the handling of edible foodstuffs or resulting from decay, and solid or semisolid putrescible waste, and all other mixed, non-recyclable wastes which are generated in the day-to-day operation of any business, residential, governmental, public or private activity, and may include paper, plastic, or other synthetic material, food or beverage containers.

Hardwood generally indicates trees which have broad leaves - deciduous trees (such as oak, alder, dogwood, and madrone).

Hazardous Vegetation means any vegetation that is flammable and endangers the public safety by creating a fire hazard including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves, needles, tumbleweeds, and under growth vegetation. Hazardous vegetation also includes live or dead vegetation that allows a fire to climb up from the landscape or the forest floor into the tree canopy, and otherwise referred to as a "fuel ladder/ladder fuels".

Improved Parcel means a portion of land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's Parcel Number upon which a structure is located.

Investigative Official means the Chief of a fire department/district in El Dorado County or his/her designee; Chief of Cal Fire Amador/El Dorado Unit or his/her designee; or personnel designated by the Chief Administrative Officer.

Real Estate Transaction means the transfer of property between individuals or entities.

Rubbish includes, but is not limited to, non-putrescible wastes, such as paper, cardboard, grass clippings, tree or shrub trimmings, leaves and needles, wood chips used in landscaping or within five feet of a structure, bedding, crockery, rubber tires, construction waste and similar waste materials.

Slash means the woody debris remaining on the ground after fuels management work: slash including but not limited to trees tops, branches, bark, chunks, cull logs, uprooted stumps, and uprooted trees.

Softwood means the wood from a conifer (such as pine, cedar, fir, or spruce) as distinguished from that of broadleaved trees.

~~Structure means the term "structures,"~~ as used in this chapter, is defined to include buildings which qualify for occupancy per the County building code, such as residential dwellings (which includes trailers and mobile homes, whether situated in a park or installed on private property), commercial buildings, industrial buildings, government buildings, and any accessory buildings thereto deemed appropriate for a site address by the County Surveyor. Any shed, pump house or any enclosure that is 120 square feet or less in floor area is exempt.

Unimproved Parcel means land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's Parcel Number upon which no structure is located.

Vegetation means plants considered collectively, especially those found in a particular area or habitat. For the purposes of this ordinance any tree less than 6 inches in diameter is considered vegetation.

~~Waste means waste means~~ all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including residential, commercial, and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction and demolition debris, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid wastes and semisolid wastes.

Weeds include any of the following:

1. Weeds which bear seeds of a downy or wingy nature;
2. ~~Brush, slash, or w~~Weeds and grasses which attain such growth as to become, when dry, a fire menace to adjacent improved property;
- ~~3. Weeds and grasses which are otherwise noxious;~~
- 4.3. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;

~~5.4.~~ Dry grass, stubble, brush, or other flammable vegetation which endangers the public safety by creating a fire hazard.

~~6.5.~~ Vegetation that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent property.

~~7. A fuel ladder is a term for live or dead vegetation that allows a fire to climb up from the landscape or forest floor into the tree canopy. Common fuel ladders include tall grasses, shrubs, and tree branches, both living and dead.~~

Wildfire Risk Area refers to lands that are 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 it would present an abnormally difficult job of suppression or would result in great or unusual damage through fire or such areas designated by the enforcement official.

Section 8.09.040: California Environmental Quality Act (CEQA)

The subject project is Categorical Exempt (Class 4) from provisions of CEQA, pursuant to Section 15304 of the CEQA guidelines.

Section 8.09.050: Legal Authority for the County Ordinance

The County has the legal authority to adopt the provisions contained in this Ordinance as specified below:

A. The **California Health and Safety Code**, Part 5 Sections 14875-14931, which provides that an accumulation of weeds, grasses, hazardous vegetation and other combustible material may be declared a public nuisance, and provides guidelines for enforcement and abatement by the County of such nuisance as fire hazards, and payment of such abatement costs incurred by the County to remove such hazardous vegetation and combustible material. This Code also provides for penalties for violations of this Ordinance by property owners.

B. The **California Fire Code (CFC)** Title 24, Part 9, Chapter 3, ~~SubSection 304.1.2, and Chapter 11, Section 1103.2.4~~ and Chapter 49 (Requirements for Wildland-Urban Interface Fire Areas), as locally adopted with amendments by the Fire Districts, provides minimum standards to increase the ability of a structure to resist the intrusion of flame or burning embers being projected by a wildfire. ~~prohibits combustible waste material creating a fire hazard on vacant lots or open space, which California Fire Code has been adopted by the County.~~

C. The **California Code of Regulations Code**, 14 C.C.R., Sections 1270.01-1276.03 and 19 C.C.R., Division 1, Chapter 7, Subchapter 1, Section 3.07.

- D. The **California Public Resources Code** Section 4291 which requires a person or entity that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass covered lands, or land that is covered with flammable material, to maintain defensible space of 100 feet from each side and from the front and rear of the structure, and which provides for required fuel modification so as to ensure that a wildfire burning under average weather conditions would be unlikely to ignite the structure on the property.

- E. **Government Code** Section 25845 and 25845.5 which provide that the Board of Supervisors may establish procedures for the abatement of a nuisance and regarding enforcement mechanisms available for the County to ensure that the costs incurred by the County in abating the nuisance consisting of accumulation of weeds, grasses, hazardous vegetation and other combustible materials are recovered from the property owner who fails to abate such nuisance after notice from the County to do so.

Section 8.09.060: Prohibited Conduct

A person shall not dump, nor permit the dumping of weeds, grasses, hazardous vegetation, refuse, or other combustible material, nor shall a person permit the accumulation of weeds, grasses, hazardous vegetation, refuse, or other combustible material on that person's property or on any other property so as to constitute a fire hazard.

Section 8.09.070: Duty to Remove and Abate Hazardous Vegetation and Combustible Material

- A. It shall be the duty of every owner, occupant, and person in control of any parcel of land or interest therein, which is located within the County to remove, or abate, all hazardous vegetation and combustible material, which constitutes a fire hazard ~~which and~~ may endanger or damage neighboring property.

- B. The owner, lessee or occupant of buildings, grounds, or lots within the County shall remove from such property and adjacent streets all waste, garbage, rubbish, weeds, hazardous vegetation or other combustible materials growing or accumulated thereon in accordance with the procedures and methods prescribed in this Ordinance and by the enforcement official.

- C. This ordinance creates minimum rules for vegetation management in the County. Any legal entity, if it wishes, can adopt vegetation management regulations that provide for rules that

are more restrictive than the County's. The County with local and/or state partners may conduct inspections in selected areas or in response to residential complaints.

- D. Any Home Owners Association (HOA), Lighting & Landscape District, Subdivision Development, Special District, or other entity that has a developed and approved Wildland Fire Safe Plan in accordance with the County's General Plan requirement and CFC Chapter 49, shall be granted a reasonable amount of time to comply with this ordinance not to exceed five (5) years from the date which this ordinance was approved and ratified by the Board of Supervisors. (May 30,2019)
- E. Prior to the close of any real estate sales transaction within the County, the requirements for property owners to comply with the vegetation management ordinance shall be disclosed to all potential property owners.
- F. All improved Parcels, shall comply with the following requirements:

~~1. A person or entity who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:~~

- 1. Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph ~~(2)~~~~(1312)~~(11). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation.
- 2. Consistent with fuels management treatment objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.
- 3. A greater distance than that required under paragraph ~~(A)~~(1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure.

4. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.
5. Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
6. Maintain trees, shrubs, or other plants adjacent to or overhanging a building free of dead or dying wood.
7. Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

~~Before a new permit is final and before the certificate of occupancy a vegetation management inspection will need to be completed. Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, who has authority, or designee a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.~~

8. A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the written consent of the owner of the property.

~~9. Except as provided in Section 18930 of the Health and Safety Code, the Board of Supervisors may adopt regulations exempting a structure with an exterior constructed entirely of nonflammable materials, or, conditioned upon the contents and composition of the structure, the enforcement official may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.~~

~~10.9.~~ Cultivated and useful grasses and pastures shall not be considered a public nuisance. However, if the County's enforcement official ~~shall~~ determines s it necessary to

protect adjacent improved property from fire exposure, an adequate firebreak may be required.

~~11.10.~~ The public and entities should be aware of rare plants areas, riparian areas, and raptor nesting trees on the property and try to avoid these sites.

~~12.11.~~ Good Neighbor and Neighborhood Protection Policy including Unimproved Parcels - A one hundred (100) foot wide strip of land around structure(s) located on an adjacent improved parcel (some or all of this clearance may be required on the adjacent improved parcel or the adjacent unimproved parcel depending upon the location of the structure on the improved parcel). For example, a structure could be within 70 feet of its property line. The adjacent property owner shall assist its neighbor by completing fuels management on another 30 feet to create a 100 foot strip of treated land.

~~13.12.~~ Improved and unimproved parcels adjacent to all roadways that have been designated and determined by the county enforcement official (or designee) to be necessary for the safe ingress and egress to the area served by the roadway or fire access easement and the current condition of fuels on the improved or unimproved parcel is assessed by the county fire inspector/enforcement official as an extra hazardous fire condition which must be treated or abated.

Section 8.09.080: Enforcement Officials

The enforcement official shall have authority to enforce this Chapter and issue citations for violations. For purposes of this Chapter, the "enforcement official" is the CAO or other County employee(s) as designated by the CAO. Upon request by the governing body of an agency that provides fire protection services within the County, the CAO may designate specified employees of such agency as Enforcement Officials. Such designated officials shall be authorized to enforce this Chapter only pursuant to a memorandum of understanding (MOU) approved by the board of supervisors and the governing board of the requesting agency. Any MOU for enforcement pursuant to this Chapter shall clearly define the rights and duties of each party and shall provide for the agency to defend, indemnify, and hold the County, its officers, agents, and employees harmless from and against any and all liability, loss, damage, claims, judgments, expenses, and any other costs of defense arising out of, resulting from, or related to the agency's actions in enforcing this Chapter. The MOU shall also specify the terms by which the CAO may revoke enforcement authority.

~~The chief of a fire department/district in El Dorado County or his/her designee;~~

~~The chief administrative officer or his/her designee.~~

Section 8.09.085: Investigative Officials

The investigative official shall have authority to conduct inspections, recommend abatement, and refer violations to the Enforcement Official.

Section 08.09.090: Inspection

~~An investigative or The~~ enforcement official, or personnel acting under his or her direction, may enter upon private or public property whenever necessary to enforce or administer the provisions of this chapter; provided, however, that this right of entry and inspection shall not be construed to grant the right to enter into any dwelling or structure which may be located on the land. Should the County determine that there is a reasonable expectation of privacy of the property owner with respect to the dwelling unit to be inspected, the County may request an inspection warrant pursuant to the provisions of California Code of Civil Procedure section 1822.50 et seq., which warrant shall state the location which it covers and state the purposes of the inspection. When there is no reasonable expectation of privacy, such as with respect to an abandoned dwelling or building, the County's designated investigative or enforcement official may enter onto that property without a warrant in order to inspect the property for the purposes of determining whether the provisions of this Ordinance have been violated.

~~A. When requested to help in the abatement of a property by CAL FIRE, County staff may provide assistance to CAL FIRE to abate the property through the abatement language in this ordinance.~~

Section 08.09.100: Enforcement

Violations of this Ordinance may be enforced pursuant to the legal authorities specified in Section 8.09.050 of this Ordinance following the procedures and timelines specified in Section 8.09.110 of this Ordinance. As an alternative to such enforcement procedures, the enforcement official retains the discretion to commence a meet and confer process with property owners determined to be in violation of this Ordinance to attempt to agree to a mutually acceptable method for abating the waste, vegetation and combustible material existing on such property. Nothing shall prohibit the enforcement official from issuing a hazard abatement notice to a property owner and following the enforcement procedure specified in Section 8.09.110 with respect to property owners who do not agree to a mutually acceptable abatement method after discussions with the enforcement official.

Section 08.09.110: Enforcement Procedure

A. Initial Notice of Duty to Remove and Abate Waste, Hazardous Vegetation and Combustible Material:

~~1. On or before February 15 of each year the enforcement official shall mail written notice to all owners of parcels within the County emphasis area or countywide stating that all waste, hazardous vegetation and combustible material located on such parcel must be removed and or abates as specified in Section 8.09.070 on or before June 1 of such year. Such written notice can be mailed to any owner countywide when inspection of the parcel by the enforcement official reveals a violation of this Chapter. Notice shall be mailed within 15 days after the discovery of such violation by the enforcement official.~~

1. Each year the enforcement official shall mail written notice to all owners of Parcels countywide or within ~~the~~ County Emphasis Area or ~~emphasis~~ Wildfire Risk ~~-A~~ area stating that all waste, hazardous vegetation and combustible material located on such parcel must be removed and or abated as specified in Section 8.09.070 of this Ordinance on or before the date specified in such notice.
2. Alternatively, such written notice can be mailed to any owner countywide when inspection of the parcel reveals a violation of this Ordinance.

B. Hazard Abatement Notice:

1. If the meet and confer process described in Section 08.09.100 does not occur or does not result in abatement and removal of waste, hazardous vegetation and/or combustible material, the enforcement official may commence proceedings to enforce the provisions of this Ordinance when a violation is identified due to: (a) the failure of an owner of an Unimproved Parcel to remove and abate all waste, hazardous vegetation and combustible material ~~on or before June 1 pursuant to the notice specified in Subsection A as required pursuant to 8.09.070(f) 13 on or before the date specified in the Notice described in Section 8.09.110;~~ or (b) the failure of an owner of an Improved Parcel to remove and abate all waste, hazardous vegetation and combustible material ~~on or before June 1 pursuant to the notice specified in Subsection A within the time specified in the Notice described in Section 8.09.110.~~ Enforcement proceedings are commenced by the mailing of a Hazard Abatement Notice in the manner prescribed as follows: The enforcement official shall mail the Hazard Abatement Notice to each person or entity that has an ownership interest in the parcel to which the violation pertains. Ownership interest shall be determined based on the last equalized assessment roll available on the date of mailing of the Hazard Abatement Notice. Notification may also be accomplished by posting the Hazard Abatement Notice on the property if the owner's mailing address is not available or not current.

2. The contents of the Hazard Abatement Notice shall include the following:
 - a. A description of the property by reference to the assessor's parcel number as used in the records of the county assessor, and by reference to the common name of a street or road upon which the property abuts, if the property abuts upon a road or street;
 - b. A statement that there are weeds, grasses, hazardous vegetation, waste and/or combustible materials upon the property;
 - c. A request that such weeds, grasses, hazardous vegetation, waste and/or combustible materials be removed or abated by ~~June 1, which shall not be less than 15 calendar days following the mailing or posting of the notice~~ the date specified in

the Notice, which shall be no less than 15 calendar days following the mailing or posting of the notice;

- d. A statement that if such weeds, grasses, hazardous vegetation, waste and/or combustible materials are not removed or abated by the property owner by ~~June 1~~ the specified date that such materials may be removed under authority of the County, and the costs of such removal and abatement may be made a legal charge against the owner or owners of the property, a lien imposed on and recorded against the property in the amount of such costs, and such costs referred to the County Auditor for collection together with property taxes on such property pursuant to the provisions of Health and Safety Code Sections 14875 through 14931, and Government Code Section 25845;
- e. A statement referencing the right of the property owner to appeal the issuance of the Hazard Abatement Notice pursuant to Section 8.09.120 hereof; and
- f. With respect to notices which are posted, a title which reads "Notice to Remove Weeds, Grass, Hazardous Vegetation, Waste and/or Other Combustible Materials," the letters of the foregoing title to be not less than one inch in height.
- g. Notices which are posted shall be conspicuously posted in front of the property, or if the property has no frontage upon a road or street, then upon a portion of the property nearest to a road or a street most likely to give actual notice to the owner. Notices shall be posted not more than 100 feet in distance apart upon property with more than 200 feet of frontage, and at least one notice shall be posted on each parcel with 200 or less feet of frontage.
- h. Such Hazard Abatement Notice also will be sent by certified mail to the property owner of such parcel as her or his name appears on the last equalized assessment roll and to the address shown on such assessment roll.

Section 08.09.120: Appeals Procedure

Any person or entity, who is adversely affected by the Hazard Abatement Notice specified in Section 8.09.110, may appeal such Hazard Abatement Notice to the Hearing Officer within ~~15~~ fifteen (15) calendar days of the postmark on the Hazard Abatement Notice by filing a written appeal with the enforcement official. Timely appeal shall stay any further action for removal or abatement until the date set for hearing, unless the weeds, hazardous vegetation, waste or combustible material at issue presents an imminent fire hazard within 100 feet of any structure. The enforcement official shall set the matter for hearing before the Hearing Officer. The enforcement official shall notify the Appellant by certified mail of the date and time set for such hearing, at least ~~15~~ fifteen (15) days prior to said date. If the Appellant resides outside the County, such Notice of Hearing shall be mailed to the Appellant at least ~~20~~ twenty (20) days prior to the date set for the hearing. The Appellant shall have the right to appear in person or by agent, designated in writing, at the hearing, and present oral, written, and/or photographic evidence. Any written inspection report prepared by an investigative official shall be admissible at the hearing and considered by the Hearing Officer. The Hearing Officer shall issue ~~its~~ his/her order denying or granting the appeal in writing within ~~15~~ fifteen (15) days of the date of the hearing. The decision of the Hearing Officer shall be final. Following ~~the hearing~~

~~notification deadline any decision by the Hearing Officer upholding the citation~~, the parcel shall be abated within ~~7 Seven (7)~~ days. If abatement has not occurred with the seven (7) days, the ~~County enforcement official~~ may abate the nuisance. If the property owner is showing progress with cleaning/treatment of the property (e.g. is in the process of cleaning/treatment of the property or has a date for a contractor to complete work) then the ~~inspector enforcement official~~ can work with the property owner before having the property abated.

Section 08.09.130: Seasonal Designation

In the case of a parcel containing a fire hazard where it has been necessary for the County to abate the nuisance in two (2) consecutive years, and the fire hazard is seasonal or recurring, it shall be the decision of the ~~fire inspector enforcement official~~ to declare the lot a seasonal public nuisance and the fire hazards may be abated thereafter without the necessity of further hearing.

Section 08.09.140: Removal of Hazardous Vegetation and Combustible Material

If, by ~~June 1 of any year as the date~~ specified in the original Hazard Abatement Notice, or as extended in cases of appeal, or ~~as specified by the County Board of Supervisors through the Meet and Confer process~~, compliance with this Ordinance has not been accomplished, the enforcement official or her/his designee may order that waste, hazardous vegetation or other combustible material located on the property be removed by public officers and/or employees of the County, or may cause such removal to be carried out by a private contractor selected by the County.

Section 08.09.150: Collection of Costs for Abatement

- A. When proceedings under this chapter result in the removal of weeds, grasses, hazardous vegetation, waste or combustible material from property by the County or its agents or contractors due to the refusal of a property owner to comply with this Ordinance, all costs incurred by the County in performing such removal may be assessed against the property. Such costs shall include the costs of labor, materials and equipment furnished by the County in removing such waste, hazardous vegetation and/or combustible material; the costs incurred by the County for payments to an independent contractor to remove such waste, hazardous vegetation and combustible material from the property; all administrative costs incurred by the County in removing such waste, hazardous vegetation and combustible material including actual costs of investigation, property inspection, boundary determination, measurement, clerical costs, related attorneys' fees, and administrative overhead costs for supervision, insurance, costs of publication, mailing and posting of notices; preparation of contracts with independent contractors to perform the abatement work; review of bids by contractors; administration of contracts for abatement activities; and other budgeted overhead items. If waste, weeds, hazardous vegetation and/or combustible material are ultimately removed from the property by the property owner subsequent to the deadline for removal specified in any Hazard Abatement Notice issued by the County, the County shall be entitled under this Ordinance to assess against the property all such costs incurred securing such compliance with this Ordinance by the property owner up to and including the final date of compliance.
- B. The enforcement official shall keep an account of such administrative and removal costs of abatement, and shall submit to the Board of Supervisors for confirmation an itemized written

report showing such unpaid costs and their proposed assessment to the respective properties subject to the Hazard Abatement Notice. The report shall be filed with the Clerk to the Board of Supervisors not less than 15 calendar days in advance of the confirmation hearing required below.

- C. Upon receipt of the report, a public hearing shall be scheduled ~~in June~~ to receive any protests and to confirm the cost report. A statement of the proposed costs and notice of the time, date and place of the hearing, together with reference to the report on file with the clerk, shall be mailed to the owner or owners of each parcel of property proposed to be assessed as shown on the last equalized assessment roll available on the date of mailing of the notice to the address or addresses of the owner or owners shown on the roll or any other address or addresses ascertained to be more accurate. Such notice shall be mailed not less than 15 calendar days in advance of the hearing.
- D. Notice of the time, date and place of the public hearing by the Board shall be published once in a newspaper of general circulation published within the County. With respect to each property proposed to be assessed for which the name of the owner or owners is not shown on the last equalized assessment roll, or no address for an owner is shown on the last equalized assessment roll, the notice shall show the name or names of the owner or owners as such name or names are shown on the last equalized assessment roll, the assessor's parcel number, the street address of the property if the property has an address and the address is known to the enforcement official, the name of the street or road upon which such property abuts if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report on file with the enforcement official. Such publication shall be made not less than 15 calendar days in advance of the hearing.
- E. At the time fixed for receiving and considering the report, the County Board of Supervisors shall conduct a public hearing and shall receive and consider any objections from members of the general public or property owners liable to be assessed for the costs of abatement. The County Board of Supervisors may continue the hearing and delegate to the vegetation management hearing officer or his or her designee the responsibility of hearing individual protests and submitting a recommendation with respect thereto; provided, that the County Board of Supervisors provides an opportunity for individual consideration of each property upon which abatement activities have been conducted by the County upon receipt of a recommendation by the County Board of Supervisors may modify the report if it is deemed necessary. The County Board of Supervisors shall then confirm the report by motion or resolution.

Section 08.09.160: Levying of Abatement Costs Against Property

- A. The costs of abatement incurred by the County once approved by resolution of the County Board of Supervisors shall be mailed to the owner of the property ~~by July 1~~ demanding payment within thirty (30) days of the date of mailing ~~or by August 1~~. If the costs as confirmed are not paid by the responsible property owner ~~by August 1 or~~ within 30 days of the date of mailing of the notice, such costs shall be assessed against the parcel of land as a nuisance abatement lien in accordance with Health and Safety Code Sections 14875 through 14931, Government Code Section 25845. The Notice of Lien shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or

possessor, set forth the date upon which the abatement of the nuisance was ordered by the County Board of Supervisors and the date that the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost constituting the lien. Recordation of a Notice of Abatement Lien pursuant to this Section shall have the same effect as recordation of a money judgment recorded pursuant to Code of Civil Procedure Section 697.310 et seq., and shall create a lien which has the same priority as a judgment lien on real property which shall continue in effect until released. On the order of the County Board of Supervisors, or any designee of the County of Board of Supervisors, an abatement lien created under this Ordinance may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

- B. As an alternative to, or in addition to the lien procedure detailed in subsection A above, the abatement costs incurred by the County may be levied against the parcel of land subject to abatement activities by the County as a real property assessment in accordance with Health and Safety Code Division 12, Part 5, Chapter 4, Article 3 commencing with 14912 and 14915-14919 and Government Code Section 25845. Any assessment imposed on real property pursuant to this Section may be collected at the same time and in the same manner as ordinary real property taxes are collected by the County of El Dorado, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary real property taxes. Notice of any assessment that is levied on real property pursuant to this Section shall be given to the property owner by certified mail from County, and shall contain the information set forth in Health and Safety Code Division 12, Part 5, Chapter 4, Article 3 commencing with 14912 and 14915-14919 and Section 25845 of the Government Code. The County shall transmit the notice of such assessment levied on real property pursuant to this Section to the County Auditor-Controller of El Dorado County with instructions to collect the assessment on the real property tax rolls for the ensuing fiscal year. Such notice shall be transmitted to the County Auditor-Controller prior to August 10 in any fiscal year.

Section 08.09.170: Penalty – Infraction

- A. Notwithstanding the provisions of any other section of this code, violation of any of the provisions of this chapter, or failure to comply with any of the regulatory requirements of this chapter, is an infraction.
- B. Every violation of this chapter is punishable by:
1. A fine not exceeding \$100.00 for the first violation and/or completion of a County approved defensible space educational program;
 2. A fine not exceeding \$200.00 for the second violation within three (3) years; and
 3. A fine not exceeding \$500.00 for each additional violation within three (3) years.

Section 08.09.180: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. The El Dorado County Clerk to the Board of Supervisors is directed to publish this Ordinance as adopted in a newspaper of general circulation in the County. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the County Board of Supervisors and a certified copy shall be posted in the office of the County, and each fire district in the County, pursuant to Government Code Sections 25120 through 25132.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2019, by the following vote of said Board:

ATTEST

Ayes:

JAMES S. MITRISIN

Clerk of the Board of Supervisors

By _____
Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

**APPROVED AS TO FORM
COUNTY COUNSEL**

By: _____

Title: _____