



## Legislation Text

**File #:** 19-0754, **Version:** 2

Clerk of the Board and Chief Administrative Office recommending the Board approve the Final Passage (Second Reading) of Ordinance **5102** to amend Ordinance 3528 by repealing and reserving Section 8.08.020 - *Hazard Removal Required* of Chapter 8.08 - *Fire Prevention* as the language regarding the maintenance of a defensible fire break around structures and required clearing of debris from rooftops was superceded with the adoption of Ordinance 5101 on April 30, 2019 which added Chapter 8.09 - Vegetation Management. (Cont. 5/21/19, Item 23)

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

On May 21, 2019 (Item 23), the Board approved the Introduction (First Reading) of Ordinance **5102** to amend Ordinance 3528 by repealing and reserving Section 8.08.020 - *Hazard Removal Required* of Chapter 8.08 - *Fire Prevention* as the language regarding the maintenance of a defensible fire break around structures and required clearing of debris from rooftops was superceded with the adoption of Ordinance 5101 on April 30, 2019 which added Chapter 8.09 - Vegetation Management.

On April 30, 2019 (Item 11, File 19-0630) the Board adopted Ordinance 5101 which added Chapter 8.09 - *Vegetation Management* to the County Code. Upon further review, it was discovered that Section 8.08.020 - *Hazard removal required* of Chapter 8.08 - *Fire Prevention* should be repealed as the language is superceded by the newly-adopted ordinance.

### **Section 8.08.020 Hazard removal required - reads in full:**

*Every person, copartnership, firm, corporation and company owning, controlling, renting or operating any cabin, tent, residence, store, hotel or other like structure or improvement in any unincorporated territory in the County shall, at all times, do all the following:*

*A. Maintain a fire break or clearing around the cabin, tent, residence, store, hotel or other like structure or improvement free from all inflammable material for a distance of 30 feet from any portion of the structure, or to his or her property line, whichever is the lesser distance; and*

*B. Keep the roofs of all such cabins, tents, residences, stores, hotels or other like structures or improvements free from leaves, needles or other debris.*

### **Section 8.08.020 Superceded**

Ordinance 5101, **Section 8.09.070 - Duty to Remove and Abate Hazardous Vegetation and Combustible Material**, subpart **(F)(1)(a)** addresses defensible fire breaks by stating all improved parcels shall comply with the following requirement:

*a. 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). 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.*

Ordinance 5101, **Section 8.09.070**, subpart **(F)(1)(g)** addresses the clearing of debris from rooftops by stating all improved parcels shall comply with the following requirement:

*g. Maintain the roof of a structure free of leaves, needles, or other vegetative materials.*

As a result of the new code provisions, staff recommends the Board adopt an ordinance to amend Ordinance 3528 to repeal Section 8.08.020. It is important to note that all other sections of Ordinance 3528 and preceding ordinance code Section 7201 et. seq. (pre-1965), shown as Chapter 8.08 - *Fire Prevention* in the current code remain in effect.

## **ALTERNATIVES**

N/A

## **PRIOR BOARD ACTION**

April 30, 2019, Item 11, File 19-0630, Final Passage.

April 23, 2019, Item 28, File 19-0630, Introduction.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

## **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

There is no financial impact associated with this matter.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Publish the full ordinance in the newspaper no less than 5 days prior to Final Passage.

Publish the full ordinance to include the final Board vote within 15 days after Final Passage.

Send the ordinance to Municode for codification following Final Passage.

## **STRATEGIC PLAN COMPONENT**

N/a

## **CONTACT**

Creighton Avila, Deputy Chief Administrative Officer