

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF TUOLUMNE COUNTY
AMENDING TITLE 8 HEALTH AND SAFETY BY ADDING CHAPTER 8.14
HAZARDOUS VEGETATION MANAGEMENT**

The Board of Supervisors of the County of Tuolumne ordains as follows:

SECTION 1: Chapter 8.14 is added to the Tuolumne County Ordinance Code to read as follows:

Chapter 8.14

HAZARDOUS VEGETATION MANAGEMENT

Sections:

- 8.14.010 Title and Purpose.**
- 8.14.020 Findings.**
- 8.14.030 Definitions.**
- 8.14.040 Legal Authority for the County Ordinance.**
- 8.14.050 Prohibited Conduct.**
- 8.14.060 Duty to Remove and Abate Hazardous Vegetation.**
- 8.14.070 Enforcement.**
- 8.14.080 No Duty to Enforce.**
- 8.14.090 Effective Date and Publication.**

8.14.010 Title and Purpose. This chapter shall be known and may be referred to in all proceedings as the County Hazardous Vegetation Management Ordinance. The purpose of the ordinance is to provide for the removal of hazardous vegetation 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.

8.14.020 Findings.

- A. Hazardous Vegetation Management is of paramount importance to the Board of Supervisors for the protection of lives and property from the threat of fire.
- B. Board of Supervisors of the County of Tuolumne (hereinafter "County") finds and declares that the uncontrolled growth and/or accumulation of hazardous vegetation or obstructions on driveway, egress 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, constitutes a nuisance and creates a hazard to the health, safety and general welfare of the public.
- C. It is the intent of the County that this Ordinance shall apply to the abatement

of the growth and/or accumulation of hazardous vegetation on all parcels within the County and to the maintenance of those parcels to prevent regrowth of hazardous vegetation;

- D. The County is located in a wildland urban interface fire area 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.

8.14.030 Definitions.

- A. "Adjacent" means adjoining or having a common boundary.
- B. "Accumulation Hazardous Vegetation" means hazardous vegetation that is left in such a manner to create a fire hazard.
- C. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter of or enclosure of persons, animals or property.
- D. "Defensible Space" means the area within the perimeter of a parcel where basic wildland fire prevention practices and measures are implemented and maintained, including but not limited to removing brush, flammable vegetation, or combustible growth that is located from 0 feet to 100 feet from a building or structure measured from the eaves, porches, decks and balconies to the property line, to provide the key point of defense from an approaching wildfire or an escaping structure fire.
- E. "Dwelling" means any building or portion thereof designed or used as the residence of one or more persons.
- F. "Enforcement Officials" means the Tuolumne County Fire Chief or their designee.
- G. "Fire Hazard" means any condition, arrangement, or act which increases the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.
- H. "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 "ladder fuels".
- I. "Ladder fuels" are those combustible materials (both live and dead) that provide a path for a surface fire to climb up into the crowns of shrubs or trees. Standing dead trees with many limbs near the ground are an example of ladder fuels.
- J. "Owner" shall mean the owner of a parcel subject to this Chapter, as disclosed

in the records of the County Tax Assessor at the time an Opportunity to Correct is given or the Notice and Order is served.

- K. "Parcel" means a lot, unit or tract of private real property created by a division of land which is legally separate from any adjacent property.
- L. "Reduced Fuel Zone" means the area wherein the arrangement of trees, shrubs and other fuel sources is done in such a way that makes it difficult for fire to transfer from one fuel source to another. It does not mean cutting down all trees and shrubs or creating a bare ring of earth across the property. The following examples are part of the reduced fuel zone:
- Cut or mow annual grass down to a maximum height of 4 inches.
 - Create horizontal space between shrubs and trees.
 - Create vertical space between grass, shrubs and trees.
 - Remove fallen leaves, needles, twigs, bark, cones, and small branches. However, they may be permitted to a depth of 3 inches.
 - All exposed wood piles must have a minimum of 10 feet of clearance, down to bare mineral soil, in all directions.
 - All propane tanks must have a 10 feet clearance to bare mineral soil and no flammable hazardous vegetation for an additional 10 feet around their exterior.
- M. "Responsible person" shall mean either of the following: 1.) Any individual or legal entity who is the owner, tenant, co-tenant, lessee, sublessee, occupant or other person with any right to possession of the real property, owner or authorized agent of any business, company or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes, permits or maintains a violation of this Code, its adopted codes or applicable State codes. 2.) Any individual, legal entity or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes, permits or maintains a violation of this Code, its adopted codes or applicable State codes.
- N. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and created primarily for purposes other than sheltering human activity.

8.14.040 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, Division 12, Parts 5-6, 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 Title 24, Part 9, Chapter 3, Section 304.1 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.
- 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.

8.14.050 Prohibited Conduct. Any person shall not allow or permit the accumulation of hazardous vegetation on that person's property or on any other property so as to constitute a fire hazard in violation of California Public Resources Code, Section 4291, which requires one-hundred (100) feet of defensible space around all dwellings and buildings.

8.14.060 Duty to Remove and Abate Hazardous Vegetation.

- A. It shall be the duty of every owner and/or responsible person of any parcel which is located within the unincorporated areas of the County to remove, or abate, the hazardous vegetation which constitutes a fire hazard and which may endanger or damage neighboring property as defined in this ordinance. The following shall be maintained:
 - 1. Thirty (30) feet of Reduced Fuel Zone clearance along that portion of the property line that borders or is adjacent to a habitable or occupied dwelling or building if that dwelling or building is within 100' of the property line. The length of the Reduced Fuel Zone shall extend 30' past the dwelling or building on each side.
- B. It shall be the duty of every owner and/or responsible person of any parcel within

the unincorporated areas of the County to remove all hazardous vegetation from driveways, roadways and road easements in accordance with the procedures and methods prescribed in this Ordinance and by the enforcement official. The following shall be maintained:

1. Fifteen (15) feet of overhead clearance from the road surface; and
 2. Ten (10) feet Reduced Fuel Zone from roadway edge
- C. Unimproved parcels of one half-acre or less shall complete a Reduced Fuel Zone of the entire parcel.
- D. Parcels with a current Williamson Act contract and an approved agricultural plan (as defined by Resolution #106-04) on file that are single parcels or contiguous lots, where slope, fuel model, and/or topography make fuel reduction difficult, may, in lieu of compliance with the provisions of this Ordinance, create a reduced fuel plan approved by the Tuolumne County Fire Chief or designee, which, in his or her discretion, meets the intent of this Ordinance.
- E. Fuel reduction shall not require the removal of crops, productive vineyards or orchards, or marketable timber; but it may impose mowing or livestock presence on grasslands, or fire-safe management of crops and forests.

8.14.070 Enforcement.

- A. The enforcement official shall have authority to enforce this chapter and issue citations for violations. This Chapter shall be enforced as provided for in Chapter 1.10 of this Code. Violations of this Chapter are considered violations impacting health and safety and are not subject to the statute of limitations set forth in Chapter 1.10.120A. The provisions of this Chapter shall be enforced by the Fire Prevention Division of the Tuolumne County Fire Department.
- B. This ordinance creates minimum rules for Hazardous vegetation management in the unincorporated areas of the County. Any legal entity, if it wishes, can adopt and enforce hazardous vegetation management regulations that provide for rules that are more restrictive than the County's.

8.14.080 No Duty to Enforce. Nothing in this Chapter shall be construed as imposing on the County any duty to enforce the provisions of this Chapter, and the County shall not be held liable for failure to enforce this Chapter.

8.14.090 Effective Date and Publication. Shall be from the date of approval.

SECTION 2: If any provision of the Ordinance or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid

provisions or applications thereof, and to this end the provisions of this Ordinance are severable.

SECTION 3: This Ordinance shall take effect thirty (30) days after its adoption. The Board Clerk of the Board of Supervisors is hereby authorized and directed to publish a summary of this ordinance in the Union Democrat, a newspaper of general circulation printed and published in the County of Tuolumne, State of California, prior to fifteen (15) days after its passage.

The foregoing ordinance introduced on the ____ day of _____, 20__, and adopted at a regular meeting of the Board of Supervisors of the County of Tuolumne, State of California on this ____ day of _____, 20__, by the following vote, to wit:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ANAIHAH KIRK, Chair
Board of Supervisors,
County of Tuolumne,
State of California

ATTEST: HEATHER RYAN
Board Clerk of the Board of Supervisors

By _____ (SEAL)

APPROVED AS TO LEGAL FORM:

County Counsel
County of Tuolumne

By _____
SARAH CARRILLO,
COUNTY COUNSEL