

ORDINANCE No. 2015-01

AN ORDINANCE OF THE RANCHO SANTA FE FIRE PROTECTION DISTRICT FOR VEGETATION MANAGEMENT, AND DECLARING CERTAIN VEGETATION, AND CERTAIN WASTE MATTER A PUBLIC NUISANCE, AND PROVIDING FOR THE REMOVAL THEREOF

WHEREAS, Health & Safety Code Section 17958.7 requires that the Fire District before making any changes or modifications pursuant to Section 17958.5 make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions; and,

WHEREAS, the Board of Directors of the Rancho Santa Fe Fire Protection District does herewith find that the District has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services, and,

WHEREAS, the Board of Directors finds that the modifications and changes to the Uniform Codes are reasonably necessary because of the following local climatic, geological, and topographical conditions:

1. The Rancho Santa Fe Fire Protection District is situated on the slopes of and at the base of the Coastal Mountains, with drainage from the eastern portion of the district, including the San Dieguito River and Escondido Creek, which when flooded, could result in conditions rendering fire department's vehicular traffic access unduly burdensome or impossible.

Further, the flood conditions described above carries the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and the Emergency tasks demands inherent in such situations. The potential for the aforementioned flooding conditions to result in limiting fire department emergency vehicular traffic, with resulting overtaxing fire department personnel, may further cause a substantial or total lack of protection against fire for the buildings and structures located within the jurisdiction.

2. The Rancho Santa Fe Fire Protection District is situated near several known major faults, each capable of generating earthquakes of significant magnitude. These include the Rose Canyon Fault, the Newport-Inglewood, the Coronado Banks, and the Silver Strand Faults, located generally west of the District and the Elsinore Fault, the Agua Caliente Fault, located east of the District. These faults are subject to becoming active at any time. The Rancho Santa Fe Fire Protection District is particularly vulnerable to devastation should such an earthquake occur.

The potential effects of earthquake activity include isolating the Rancho Santa Fe Fire Protection District from the surrounding area and restricting or eliminating internal circulation due to the potential for collapsing of highway overpasses and underpasses, along with other bridges in the district, or an earth slide, and the potential for vertical movement rendering surface travel unduly burdensome or impossible.

3. The Rancho Santa Fe Fire Protection District is bisected by San Diego County Highway S6. This highway is heavily traveled by transportation vehicles carrying known toxic, flammable, explosive and hazardous materials.

The potential for release or threatened release of a hazardous material along this route and others within the district is likely given the volume-transported daily. Incidents of this nature will normally

require all available emergency response personnel to prevent injury and loss of life and to prevent, as far as practicable, property loss. Emergency personnel responding to such aforementioned incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation. With the potential result of undue and unnecessary risk to the protection of life and public safety and, in particular, endangering residents and occupants in buildings or structures without the protection of automatic fire sprinklers.

4. The seasonal climatic conditions during the late summer and fall create numerous serious difficulties regarding the control of and protection against fires in the Rancho Santa Fe Fire Protection District. The hot, dry weather typical of this area in summer and fall coupled with strong Santa Ana Winds frequently results in wildfires that threaten or could threaten the Rancho Santa Fe Fire Protection District. Natural vegetation occurring in our region is among the most highly flammable in the world.

5. The topography of the Rancho Santa Fe Fire Protection District presents problems in delivery of emergency services, including fire protection. Hilly terrain has narrowed, winding roads with little circulation, preventing rapid access and orderly evacuation. Many of these hills are covered with highly combustible or flammable natural vegetation. In addition to access and evacuation problems, the terrain makes delivery of water extremely difficult. Some hill areas are served by water pump systems subject to failure in fire, high winds, earthquake and other power failure situations.

Due to the topography in much of the Rancho Santa Fe Fire Protection District, roadway condition, gates, angle of approach or departure, steeply sloping roadways and grades are common. In addition, combining potentially severe rainstorms and ground water retention of many areas of the District where there is expansive soil. This produces a condition wherein the moisture content of the soil is sufficient that roadways become damaged due to soil expansion and shrinkage. All weather, paved surfaces capable of supporting the imposed loads of fire apparatus are necessary to ensure access of emergency response personnel. These roadways, gates, approach angles, steep slopes and grades can also make it difficult for fire apparatus and other emergency vehicles to access a site. It is therefore essential that these roadway accesses be provided with proper all weather, paved surfaces, angle of approach, grades and gate access.

6. The Rancho Santa Fe Fire Protection District and Southern California are semi-arid regions and experience water shortages from time to time. Those shortages can have a severely adverse effect on water availability for firefighting.

WHEREAS, certain amendments to the California Fire Code serve to mitigate to the extent possible said deleterious effects:

WHEREAS, Section 50022.1 through 50022.10, inclusive, of the Government Code and Section 13869 of the Health and Safety Code, provide authority for the adoption by reference of codes, or portion of such codes:

WHEREAS, the health and safety of the Rancho Santa Fe Fire Protection District and the residents thereof require the adoption of the following Ordinance.

WHEREAS, the formation of this Ordinance is as directed by the Health and Safety Code of the State of California, Division 12, Part 5, Abatement of Hazardous Weeds and Rubbish Sections 14875 and 14876, and Part 6, Abatement of Hazardous Weeds and Rubbish, Alternative Procedures Section 14930 through 14931.

NOW THEREFORE, the Board of Directors of the Rancho Santa Fe Fire Protection District does ordain as follows;

Ordinance Number 04-02, of the Rancho Santa Fe Fire Protection District is hereby repealed.

Section I Abatement and Management of Certain Vegetation, and Certain Waste Matter

1 DEFINITIONS.

The following words and phrases shall have the meanings respectively as described in this ordinance:

DEAD, DYING OR DISEASED TREES include pest or pathogen infested trees, abandoned or neglected groves or other trees, which are in a dying condition or no longer living.

FIRE HAZARD any condition or conduct which, in the opinion of the Fire Chef or his/her designee: (a) increases or may increase the threat of fire to a greater degree than customarily recognized as normal by individuals in the public service regularly engaged in preventing, suppressing or extinguishing fire or (b) may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

FUEL MODIFICATION ZONE is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought-tolerant, fire-resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

GREEN WASTE includes, but is not limited to, organic material such as yard trimmings, plant waste, untreated wood wastes, paper products, natural fiber products, mulch and compost.

IMPROVEMENT means any building or structure, permanent or temporary, erected for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind located in the unincorporated area of the County of San Diego and shall include agricultural crops. For purposes of this term, "improvement" shall not include fences, similar barriers enclosing, or separating areas of land.

MULCH is any chipped wood product or other combustible ground cover used in landscaping and must be not be placed within 12 inches of any stucco walls or other combustible portions of a structure.

NOXIOUS WEED shall mean any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, as defined in Section 5004 of the California Food and Agricultural Code.

PARCEL means any contiguous quantity of land in the possession of, owned by, or recorded as the property of, the same person or entity, and which is located in the unincorporated area of the County of San Diego.

RESPONSIBLE PARTY includes, but is not limited to, any person, firm, partnership or corporation

owning, renting, leasing, or otherwise controlling any parcel located in the unincorporated area of the County of San Diego.

RUBBISH is waste material including, but not limited to, garbage, waste paper, and debris from construction or demolition.

COMBUSTIBLE VEGETATION is material that in its natural state will readily ignite, i. e., burn and transmit fire from native or landscape plants to any structure or other vegetation. Vegetation includes dry grass, brush, weeds, litter or other flammable vegetation that creates a fire hazard.

2 Certain Vegetation, And Other Items Declared a Public Nuisance

"Weeds," as used in this part, means all weeds growing upon streets, sidewalks or private property within the Rancho Santa Fe Fire Protection District and includes any of the following, and are hereby declared a public nuisance:

- (a) Plants or vegetation, which bare seeds of a downy or wingy nature, which create a fire or health hazard
- (b) Sagebrush, chaparral, and any other brush or vegetation which attain such large growth as to become, when dry, a fire menace upon premises and/or to adjacent property.
- (c) Plants or vegetation, which is otherwise noxious weed or dangerous.
- (d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
- (e) Dry grass, stubble and weeds, which endanger the public safety by creating a fire hazard in any portion of the Rancho Santa Fe Fire Protection District, shall be mowed to a height of 4 to 6 inches.
- (f) Cultivated and useful grasses and pasture will not be declared a public nuisance. However, if the Fire Chief and/or his/her authorized representatives determine it necessary to protect adjacent improved property from fire exposure, an adequate firebreak may be required.
- (g) Any accumulation of dry grasses or other flammable vegetation within ten (10) feet of any aboveground flammable liquid or combustible gas vessel.
- (h) Trees, if determined to increase the fire hazard, due to mortality, insect infestation, disease, or lack of maintenance. Mature trees must be trimmed so that limbs are a minimum of 6 feet above the ground.
- (i) Dead and/or dying groves and/or forests.
- (j) Palm Trees all dead palm fronds including older leaves that persist on the tree, forming a "skirt" of brown thatch must be removed annually; this requirement applies to palms within 100 feet of any structure or within 20 feet of a driveway or roadway
- (k) Orchards, groves or vineyards. All orchards, groves, and vineyards shall be kept in a healthy state and maintained as described below. A 10-foot firebreak shall be cleared between

the perimeter, orchard trees or row of grape vines and native vegetation or ornamental landscaping. Orchards shall be kept cleaned of dead and or downed trees. Orchards and vineyards shall be free of combustible debris, dead branches and dead foliage. All dead grasses between rows of trees or vines shall be mowed or disked to bare soil. Mulch shall not be placed over bare soil without approval from the Fire District.

Please note: ASTHETICS are not a consideration in determining the presence of a fire hazard.

3 Waste Matter Declared a Public Nuisance

Waste matter as hereinafter defined, which by reason of its location and character would materially hamper or interfere with the prevention or the suppression of fire upon the premises or adjacent premises, or the abatement of a nuisance as defined by Sec. 12510, Health and Safety Code, is hereby declared a public nuisance.

4 Waste Material Defined

“Waste material” is defined for the purpose of this article as unused or discarded matter having no substantial market value, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view, and which consists (without limitation or exclusion by enumeration) of such matter and material as rubble, asphalt, and other combustible material, dead vegetation stock piled. Any chipping that is done on site should be spread not to exceed 6 inches in height and be maintained at least 12 inches away from any structure.

5 Clearance of brush or vegetative growth from structures

General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

(a) Maintain an effective fuel modification zone by thinning, clearing away, or modifying away combustible vegetation and other flammable materials from areas within one hundred (100) feet from any structure. The area within 50 feet of a building or structure shall be cleared of vegetation that is not fire resistant and re-planted with fire-resistant plants. In the area between 50 to 100 feet from a building all dead and dying vegetation shall be removed. Native vegetation may remain in this area provided that the vegetation is modified so that combustible vegetation does not occupy more than 50% of the square footage of this area.

EXCEPTION (1):

With the approval of the Fire District, the width of the fuel modification zone may be modified based on the hazard and topography.

EXCEPTION (2): On some larger properties, partial clearing may be acceptable, depending on circumstance. Those properties approved for partial clearing, shall maintain 100 feet of defensible space to any structure, neighboring or on site. The entire lot does not need to be cleared but there must be a minimum of 50 feet of clearance around the perimeter of the property, and 20 feet clearance along existing roads and driveways.

- (b) Remove the portion of trees, which extend within ten (10) feet of the outlet of a chimney.
- (c) Maintain existing trees free of deadwood, and trim/prune at a minimum of ten (10) feet away from construction, roofs, and wood siding of any type.
- (d) Maintain the roof of a structure free of leaves, needles or other vegetative growth.
- (e) All newly planted or planted from this date forward fire-resistive tree species shall be planted and maintained at a minimum of ten (10) feet from the tree's drip line to any structure.
- (f) All newly planted or planted from this date forward non fire-resistive tree species shall be planted and maintained at a minimum of thirty-feet (30) from the tree's drip line to any structure.

6 Clearance of brush or vegetative growth from roadways

(a) **Clearance at ALL Off-Site Roadways.** The Fire Chief and/or his/her designee is authorized to cause the area within twenty (20) feet on each side of the improved width portions of highways and private streets roads which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth shall comply with the requirements of a fuel modification zone. The Fire Chief and/or his/her designee are authorized to enter upon private property to insure the fuel modification zone requirements are met.

EXCEPTION:

Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided, that they do not form a means of readily transmitting fire.

(b) All roadways shall have a minimum of thirteen (13) feet six (6) inches vertical clearance free of vegetation.

7 Notice to Abate Hazard

If it is determined that a public nuisance or fire hazard as herein defined exists on any lot or premise, or upon any sidewalk, parking lot, parking area or adjacent to such lot or premise, the Fire Chief and/or his/her designee will cause a notice to be issued to abate such nuisances.

Such notice will be headed: "**NOTICE TO ABATE HAZARD**" which shall, in legible characters, direct the abatement of the nuisance or fire hazard and refer to this article and section for particulars. *Notice to Abate Hazard* served by means other than posting as provided by this article will contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance.

8 Service of Notice to Abate Hazard

The notice required by Division 12, Part 5 of the Health and Safety Code may be served in any of the following manners:

(a) By personal service on the owner, occupant or person in charge or control of the property.

(b) By regular first class postage prepaid mail addressed to the owner or person in charge and control of the property, at the address shown on the last available assessment roll, or as otherwise known.

(c) By posting at a conspicuous place on the land or abutting public right-of-way and insertion of an advertisement at least once a week for a period of two weeks in a newspaper of general circulation in the Rancho Santa Fe Fire Protection District. A said newspaper advertisement will be a general notice that property in the Rancho Santa Fe Fire Protection District has been posted in accordance with this article and contains a general statement of the effect of such posting. The date of such newspaper advertisements will not be considered in computing the appeal periods provided by this article.

9 Appeal, Right of, to Board of Directors

Within ten (10) days from the date of posting, mailing or personal service of the required notice, the owner or person occupying or controlling such lots or premise affected may appeal to the Rancho Santa Fe Fire Protection District Board of Directors. Such appeal will be in writing and will be filed with the Board Clerk. At the regular or adjourned meeting of the Board of Directors, not less than five (5) days nor more than thirty-days (30) thereafter, it will proceed to hear and pass upon such appeal, and the decision of the Board of Directors thereupon will be final and conclusive.

10 Time Limit for Removal of Nuisance

It will be the duty of the owner, the agent of the owner, or the person in possession of any lot or premise in the Rancho Santa Fe Fire Protection District to abate the nuisance or fire hazard as stated within ten (10) days from the date of notification as provided herein, or in case of an appeal to the Board of Directors, within ten (10) days from the determination thereof, unless the same is sustained.

11 Abatement of Nuisance by Fire Chief

If the owner fails or neglects to abate the nuisance as herein defined, within the time specified in the article, the Fire Chief and/or his/her designee of the Fire Department, may cause such nuisances or fire hazard to be abated. Private contractors may do the abatement work. A report of the proceedings and an accurate account of the cost of abating the nuisance or fire hazard on each separate property will be filed in the Fire Prevention Office.

12 Expense of Abatement Report and Hearing

The Accounting Department of the Rancho Santa Fe Fire Protection District will keep an account for the costs of abatement plus an administrative fee for each parcel abated as defined in the Fees for Service ordinance. A written itemized Abatement Report showing the cost of removal and abatement of hazards shall be prepared for the Board's approval. At least three (3) days prior to the date of the hearing a copy of the report will be posted in a public place at the offices of the Rancho Santa Fe Fire Protection District, showing the date and time of the hearing. A copy of the report and notice of hearing date will be sent to the last known owner of the parcel as listed in the County Assessor's Office.

Auditor shall enter each assessment in the County Tax Roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary municipal taxes.

14 Violation

The owner, occupant, or agent of any lot or premise within the Rancho Santa Fe Fire Protection District who will permit or allow the existence of a public nuisance as defined in this Ordinance, upon any lot or premise owned, occupied, or controlled by him or her, or who shall violate any of the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than Five Hundred Dollars (\$500.00), or to imprisonment for a period not exceeding six-months (6), or both.

15 Date of Effect

The Secretary to the Board of Directors will certify to the adoption of this Ordinance and cause the same to be published in the manner required by law. This Ordinance will take effect immediately after its final passage at a public hearing as required by law.

First, read at a regular meeting of the Board of Directors of the Rancho Santa Fe Fire Protection District (RSF) of the County of San Diego, California, held on June 24, 2015. A public hearing was held August 12, 2015 and said Ordinance was adopted and ordered published in the manner required by law at their regular meeting on the 12th day of August 2015 by the following roll call vote:

AYES:	Ashcraft, Hillgren, Malin, Stine, Tanner
NOES:	None
ABSENT:	None
ABSTAIN:	None

James Ashcraft
President

Attest:

Karlana Rannals
Secretary