

occupant of the premises. Clearance of combustibles upon default of the owner or occupant shall be in accordance with Section 325.

Section 308 is adopted

Chapter 3 is amended to add Section 325 as follows:

325 Exterior Fire Hazard Control.

325.1 Scope This section provides provisions intended to identify hazard areas and mitigate the risk of life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate fires from spreading to wildland fuels that may threaten to destroy life, overwhelm fire suppression capabilities, or result in large property loss.

325.1.2 Purpose. The purpose of this section is to establish minimum requirements in wildland-urban interface areas that will increase the ability of a building to resist the intrusion of flame or burning embers by a vegetation fire, including the identification of hazardous fire areas that require applicable defensible space provisions as set forth within and enforced by the fire code official and applicable state and local fire resistive building standards that are enforced by the local building official.

325.1.3 Jurisdictional authority. The Board of Directors as the supervising, legislative and executive authority of this jurisdiction has the authority to act pursuant to Part 5 (commencing with Section §14875), Division 12, of the State of California Health and Safety Code, to clear or order the clearing of rubbish, litter or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Such fire hazard abatement shall be conducted in accordance with the provisions of said Part 5 and/or this Ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceeding under this Ordinance and the Fire Protection District Law of 1961, the terms "Board of Directors" or "Board" when used in Part 5, shall mean the Board of Directors of this jurisdiction under this article; and the officer designated in Section §14890 of Part 5 shall mean the Fire Chief or his/her designee

325.1.4 Contract for services. This Board of Directors reserves and retains the power to award a contract for such fire hazard abatement work where the employees of this jurisdiction are not used to perform such abatement work.

Section 325.2 has been amended to read:

325.2 Definitions

The following definitions are defined in Chapter 2

All weather driving surface

Cost of abatement

Parcel

Person

Public nuisance

Rubbish

Streets

Tree litter

Weeds

Wildland-Urban interface area

325.3 Public nuisance. The Board of Directors, Fire Chief or his/her designee may declare that all hazardous fire areas, including any combustible materials and dead trees, upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

325.3.1 Weeds and rubbish. The Board hereby declares that all dead trees or weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

3.25.3.2 Seasonal and recurrent nuisance. If the nuisance is seasonal and recurrent, the Board of Directors shall so declare. Thereafter, such seasonable and recurring weeds shall be abated every year without any further hearing.

325.4 Unlawful Disposal. Every person who places, deposits or dumps combustible material on a parcel whether or not he/she owns such parcel, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

325.5 Abatement of hazard.

325.5.1 Weeds, dead trees and rubbish to be destroyed or removed. Parcels are to be maintained free of hazardous vegetation and rubbish.

325.5.2 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish or weeds, trees, or other vegetation, which constitutes a fire hazard.

325.6 General abatement requirements. The provisions of this section shall govern the abatement of combustible material creating a fire hazard upon premises (reference Government Code 51175-51189 and Public Resources Code 4291). The District shall develop minimum abatement standards for land in residential, business, industrial areas, or land which is unused or vacant, in rural or rural residential areas, or regardless of the area in which the property is located. Such standards shall be approved by the Board of Directors and may be modified periodically as circumstances dictate.

325.6.1 Clearance of brush or vegetative growth from street. The fire code official is authorized to required areas within 3 feet on each side and 15 feet in height of fire apparatus roads and driveways to be abated of flammable vegetation and other combustible growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy succulents or similar plants used a ground cover, provided that they do not form a means of readily transmitting fire and not lower than 15 feet vertical clearance in height from the roadway surface.

325.6.2 Clearance of brush, vegetative growth and combustible material from parcels. All parcels declared a public nuisance by the Board of Directors shall be cleared entirely of combustible material. If the fire code official determines this impractical, the provisions of 325.6.2 may be used.

325.6.2.1 Remove from parcel all dead trees vegetative growth and rubbish that are deemed a fire hazard.

325.6.2.2 Parcels one acre or less (43,530 square feet) shall require abatement of the entire parcel.

325.6.2.3 Parcels over one acre (43,560 square feet) may be required to comply with the following requirements:

1. Parcels shall provide 30-foot fuel breaks along the perimeter of the property line.
2. Parcels 10 acres or more shall provide a 30-foot cross break to divide the parcel into approximately 5-acre sections.

325.6.3 Clearance of brush or vegetative growth from structures. Any person owning, leasing, controlling, operating or maintaining any building in, upon, or adjoining any hazardous fire area shall at all times maintain defensible space around and adjacent to such building by removing and clearing away all combustible material for a distance not less than 100 feet from all portions of the structure. Distances may be increased or decreased by the fire code official based on site specific analysis of local conditions.

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

325.6.3.1 Remove that portion of any tree that extends within 10 feet of the outlet of any chimney or stovepipe.

325.6.3.2 Maintain any tree, shrub, or other plant adjacent to or overhanging any building free of dead limbs, branches or other combustible material.

325.6.3.3 Maintain the roof of any structure and roof gutters free of leaves, needle, or other combustible materials.

325.6.3.4 Maintain trees within 100 feet of any building or structure or within 10 feet of any portion of any highway, street, ally, or driveway which is improved or used for vehicle travel or other vehicular purposes, so that leafy foliage, twigs or branches are within 5 feet of the ground.

325.6.3.5 Maintain 5 feet of vertical clearance between roof surfaces and portions of trees overhanging any building or structure.

325.7 Fire Management Plan. A Fire Management Plan shall be prepared by the applicant when required by the fire code official.

325.8 Cost The cost of the Fire Management Plan preparation and review shall be the responsibility of the applicant.

325.9 Abatement procedures.

325.9.1 Abatement order. The fire code official of this jurisdiction may order the abatement of weeds, trees, and rubbish as described in Sections 304.1 and 325.2. On making the order, the fire code official of this jurisdiction shall mail a copy of a notice to the owner of the affected property as he/she and his/her address appear upon the current and last county equalized assessment roll as of January 1 of each calendar year, or as his/her address is known to this jurisdiction. As an alternative to mailing, the notice may be posted upon the affected property and published in this jurisdiction, not less than ten (10) days prior to the date of the abatement hearing. Copies of the notice shall be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice shall be in substantially the following form:

NOTICE TO ABATE WEEDS, DEAD TREES AND RUBBISH

You are hereby notified that weeds, dead trees, and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You are hereby notified to remove the weeds, dead trees and rubbish within ten (10) days from the date of this notice. If you fail to do so, the Moraga-Orinda Fire District will remove it and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid. The lien may prevent the sale of the property and it shall be the responsibility of the property owner upon payment of the property taxes to have the lien removed. Contact the Fire District for a release of lien that must be filed by the property owner at the County Recorder's Office.

You are hereby further notified that the Board of Directors has declared that such weeds, dead trees and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Directors of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced. (Signed): (Name of fire code official of name of jurisdiction)

325.9.2 Notice for seasonal and recurring nuisance. In the case of weeds, dead vegetation or rubbish, which have previously been declared to constitute a seasonable and recurring nuisance, a fire code official will mail a post card notice to the owner(s) of the property at the address as it appears on the current assessment roll. The notice will state that dangerous vegetation or rubbish of a seasonal and recurrent nature are growing on, collecting on, or in front of the property and that they constitute a public nuisance that must be abated by removal. If the nuisance is not removed, it will be abated by the Moraga-Orinda Fire District, in which case the costs of removal, plus an administrative fee will be assessed from the land upon which or in front of which the weeds were removed. The cost will constitute a lien upon the property until paid. No hearing will take place.

325.9.3 Immediate hazard. When, in the opinion of the fire code official, the Fire Chief, or the Board of Directors, an extreme fire hazard exists which constitutes an immediate threat to public health, safety, and welfare, and it is deemed necessary to abate such hazard as promptly as possible, said fire hazard shall be removed or abated within five (5) days of the posting of the Notice to Abate on the affected parcel or within five (5) days of receiving by mail the Notice to Abate. Nothing herein shall authorize the entry upon private property not otherwise open to the public, without the owner's consent or possession of an abatement or inspection warrant unless it is determined that there is an immediate and eminent threat of injury or death to any person if immediate action is not taken.

325.9.4 Hearing date. A date for hearing on the notice shall be set at least ten (10) days after the date of this notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order shall not be enforced. For good cause shown, the Board of Directors may extend the time for compliance with the order or may rescind the order.

325.9.5 Contract award. If the owner fails to comply with the order, the fire code official of this jurisdiction may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it shall be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. An administrative fee will be attached to the cost of the contracted work to the violator.

325.9.6 Abatement report of costs. The fire code official or his or her designee abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel

of land and shall render an itemized report in writing the Board of Directors showing the cost of removing the weeds, dead trees and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Directors, a copy of it shall be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. Said report and notice shall also be posted for the said three days in two other public places in the District. At the time fixed for receiving and considering the report, the Board of Directors shall hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Directors may make such modifications in the report, as it deems necessary, after which by order of resolution, the report shall be confirmed. The amounts of the cost, including administrative costs, for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed shall constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the County Recorder of the County in which the property is situated of a certified copy of the Resolution of Confirmation.

325.9.7 Cost assessments. Upon confirmation of the report of cost by the Board of Directors of this jurisdiction and the recordation of the Resolution of Confirmation by the administrator, a copy of the report of cost shall be sent to the County Auditor, who shall enter the amount of the assessments against the parcels. Thereafter the amount of the assessments shall be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

325.9.8 Alternate mitigation.

325.9.9 Firebreaks/fuelbreaks. In lieu of ordering abatement as provided in Section 325.9.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official shall consider the height of the growth, weather condition, topography, and the accessibility to the property of fire protection equipment. The procedure set forth in Section 325.9.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

325.9.10 Fire Management Plans. In lieu of vegetation abatement the property owner shall submit a Fire Management Plan for the property. The plan shall be specific to the property and shall describe ways to minimize, mitigate and/or eliminate potential for loss from wildfire exposure. The plan shall be developed and approved by the Fire District and the property shall be verified as compliant with the plan throughout the year. Verification of compliance shall be completed by a third party individual or firm knowledgeable in such matters and approved by the Fire District each year.

325.11 Subsurface fire, penalties therefore.

325.11.1 Peat fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable materials under the surface of the natural ground to remain upon his property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at his own cost and expense.

325.12 Fire suppression costs. If there exists upon the lands of any person as herein defined a subsurface fire involving the burning or combustion of peat or vegetable matter and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish

or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of providing rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the Fire District incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See State of California Health & Safety Code §13009)

Chapter 4 Emergency Planning and Preparedness.

Section 401.5 is amended to add:

401.5.1 False/nuisance alarm fee. A fee may be charged for false/negligent alarms according to the adopted fee schedule of the District.

Chapter 5 Fire Service Features

Section 502 is amended to add the following definition. The following term is defined in Chapter 2:

All weather driving surface

Section 503 Fire Apparatus Access Roads is adopted

Section 503.1.1 Buildings and facilities

Section 503.1.1 is amended add exceptions 1.4 and 1.5:

Exception 1.4. The decision to modify, and the extent of any such modification shall be in accordance with minimum standards established by the fire code official.

Exception 1.5 Buildings or portions of buildings exceeding 35 feet (10668 mm) in height above the lowest level of fire department access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

503.1.2 Additional access. Section 503.1.2 is amended to add Sections 503.1.2.1, and 503.1.2.2 as follows:

Section 503.1.2 is amended to add:

503.1.2.1 Required additional access roads for residential developments. The minimum number of access roads serving residential development(s) shall be based upon the number of dwelling units served as follows:

- 1-25 units, one public or private access road
- 26-150 units, one public or private access road and one emergency access road
- 151+ units, a minimum of two public or private access roads

503.1.2.2 Access to open spaces. When access to open land/space or fire trail systems maintained for public or private use is obstructed by new development of any kind, the developer shall provide alternate acceptable access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended to add:

Section 503.2.1 **Dimensions** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in