

ORDINANCE NO. 2022-01

**AN ORDINANCE OF THE CHINO VALLEY INDEPENDENT FIRE DISTRICT FOR
VEGETATION MANAGEMENT, DEFENSIBLE SPACE, AND DECLARING CERTAIN
VEGETATION, AND CERTAIN WASTE MATTER A PUBLIC NUISANCE, AND PROVIDING
FOR THE REMOVAL THEREOF**

The Board of Directors of the Chino Valley Independent Fire District ordains as follows:

Article I. The Chino Valley Independent Fire District (also referred to herein as the “District” or “Fire District”) finds and determines that the purpose of this Ordinance is to prohibit the accumulation of cut and uncut weeds, grass, tumbleweeds, vines, trees, or other vegetation that is capable of being ignited and endangering property, and which are dangerous to property and to the health, welfare, and safety of residents. Uncontrolled wildfires pose a serious threat to human lives and property. The goal of this ordinance is to protect lives and property from the threat of wildfire by requiring the abatement of combustible vegetation, increasing community safety and the level of protection for habitable structures, and giving fire suppression personnel a defensible area to conduct operations in the event of wildland fire. The ordinance will allow for public nuisance abatement when property owners allow combustible vegetation and other flammable materials to accumulate in violation of this ordinance.

Article II. The Chino Valley Independent Fire District is located in or adjacent to a mountainous and/or hilly region of Southern California, and includes areas designated as High Fire Hazard Areas, or Very High Fire Hazard Severity Zones (see Article IV, Section 1 – “Definitions”). The Chino Valley Independent Fire District contains or adjoins forest-covered lands, brush-covered lands, grass covered lands, or other land which is covered with combustible vegetation. All native vegetation within the Chino Valley Independent Fire District constitutes a seasonal and recurrent nuisance pursuant to Health and Safety Code Section 14900.5.

Article III. The enactment of this Ordinance is pursuant to the authority granted under Health and Safety Code Sections 13861(h)-(i); 13870, 13879, and 14875 et seq., as well as authority granted under Public Resources Code Sections 4290(c) and 4291. The District has the independent authority to adopt this Ordinance pursuant to the powers set forth in Part 2.7, the Fire Protection District Law of 1987, of Division 12 of the Health and Safety Code.

Article IV. Abatement and Management of Certain Vegetation and Waste Matter

Section 1. DEFINITIONS. The following words and phrases shall have the following meanings:

- 1.1 AUTHORITY HAVING JURISDICTION (AHJ) means jurisdictions, approving agencies, or private entities who may assume the role of an AHJ, given a statutory authority or legal responsibility.
- 1.2 COMBUSTIBLE VEGETATION, also referred to as flammable 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. Combustible vegetation includes, but is not limited to, any of the following plants or vegetation:

- 1.2.1 Dry grass, brush, weeds, leaf litter, dead/dying trees or other flammable vegetation that endanger public safety by creating a fire hazard in any portion of the Chino Valley Independent Fire District.
 - 1.2.2 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.
 - 1.2.3 Plants or vegetation otherwise considered a noxious weed or dangerous.
 - 1.2.4 Trees, if determined to increase the fire hazard due to mortality, insect infestation, disease, or lack of maintenance.
 - 1.2.5 Dead and/or dying groves and/or forests.
 - 1.2.6 Palm trees or all dead palm fronds including older leaves that persist on the tree, forming a "skirt" of brown thatch when in designated fire hazard areas.
 - 1.2.7 Any accumulation of dry grasses or other flammable vegetation within ten (10) feet of any aboveground flammable liquid or combustible gas vessel.
 - 1.2.8 Cultivated and useful grasses and pasture may be declared a public nuisance, if the Fire Official determines it necessary to protect adjacent improved property from fire exposure by requiring an adequate firebreak.
 - 1.2.9 Any other flammable vegetation that in its natural state will readily ignite as determined by the Fire Official.
- 1.3 COMBUSTIBLE MULCH is any layer of material applied to the surface of soil that will, in its natural state, ignite, burn and/or be capable of transmitting fire to landscape or to any structure. Combustible mulch shall be categorized as follows:
- 1.3.1 COMPOSTED MULCH is defined as screened or refined composted wood chips or other organic materials.
 - 1.3.2 CHIPPED OR SHREDED VEGETATION WASTE, WOOD PRODUCTS, BARK AND NUGGET MULCH is defined as coarsely chipped or shredded organic materials that have been recently produced and have not undergone the composting process. Examples include chipped or shredded vegetation waste, chipped or shredded wood products, logging waste, bark or wood nuggets, and needles.
 - 1.3.3 RUBBER MULCH is defined as chipped or shredded mulch coming from 100 percent recycled rubber.
- 1.4 DEAD, DYING, OR DISEASED TREES include pest or pathogen infested trees or abandoned or neglected groves or other trees which are in a dying condition or no longer living.

- 1.5 DEFENSIBLE SPACE is defined as an area, either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.
- 1.6 FIRE HAZARD is defined as any condition or conduct which, in the opinion of the Fire Chief or their designee, (a) increases or may increase the threat of fire to a greater degree than customarily recognized as an acceptable condition or conduct 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.
- 1.7 FIRE HAZARD SEVERITY ZONE is defined as a mapped area that designates zones with varying degrees of fire hazard (i.e., moderate, high, and very high) based on factors such as fuel, slope, and fire weather, and as published by Cal Fire on its website as "Fire Hazard Severity Zone Viewer."
- 1.8 FIRE OFFICIAL is defined as the Fire Chief of the Chino Valley Independent Fire District, or their designee.
- 1.9 FUEL MODIFICATION ZONE is defined as 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.
- 1.10 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.
- 1.11 HIGH FIRE HAZARD AREAS and VERY HIGH FIRE HAZARD AREAS means those areas identified to have increased inherent fire hazards due to natural vegetation or topography, and which are designated as such by Cal Fire's "Fire Hazard Severity Maps," or any fire hazard areas as may be defined by the city of Chino or the city of Chino Hills, in adopted policies or ordinances, and as may be amended at any time, or any AHJ.
- 1.12 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 jurisdiction of the Chino Valley Independent Fire District, and shall include agricultural crops. For purposes of this term, "improvement" shall not include fences or any similar barriers enclosing or separating areas of land.
- 1.13 INVASIVE SPECIES shall mean an organism that is not indigenous, or native, to a particular area.

- 1.14 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.
- 1.15 PARCEL means any contiguous quantity of land in the possession of, owned by, or recorded as the property of, a person or entity, and which is located in the jurisdiction of the Chino Valley Independent Fire District.
- 1.16 RESPONSIBLE PARTY includes, but is not limited to, any person, firm, or entity owning, renting, leasing, or otherwise controlling any parcel located in the Chino Valley Independent Fire District. The responsible parties for a property that is leased or rented by a person or entity other than the owner of the property includes the person or entity who is on record with the County Assessor as the owner of that property.
- 1.17 WEEDS shall mean vegetation growing upon streets, sidewalks, or private property in any county, including within the jurisdictional area of the District, and may include any of the following, pursuant to Health and Safety Code section 14875:
 - 1.17.1 Vegetation that bears seeds of a downy or wingy nature;
 - 1.17.2 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 improved property;
 - 1.17.3 Vegetation that is otherwise noxious or dangerous;
 - 1.17.4 Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health; and
 - 1.17.5 Dry grass, stubble, brush, or other flammable material which endangers the public safety by creating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

Section 2. CERTAIN VEGETATION AND OTHER ITEMS DECLARED A PUBLIC NUISANCE.

- 2.1 The following are declared to be fire hazards constituting a public nuisance within the areas of the Fire District; it shall be the responsibility of the responsible party of the parcel upon which such nuisance exists to abate such nuisances at their own expense whenever they may exist.
 - 2.1.1 All weeds, combustible vegetation, green waste, certain mulch products, and other such accumulations of combustible materials, when such accumulations are within one hundred (100) feet of any building or structure designed or intended for occupancy by humans or animals that violate the defensible space requirements of this ordinance (See Section 6.1, herein).

2.1.2 Any vegetation growing upon the streets, sidewalks, or private or public property within the Chino Valley Independent Fire District, which by reason of its size, type, manner of growth, or proximity to any building or improvements, will with reasonable probability constitute a fire hazard when dry. Said vegetation or other items are hereby declared to be a public nuisance and shall be abated to the satisfaction of the Fire Official. Aesthetics are not a consideration in determining the presence of a fire hazard.

2.1.3 Any noxious or invasive weed or plant designated by a Federal, State, or County government as injurious to public health, agriculture, recreation, wildlife, or property shall be eradicated on properties in the District. Due to their flammable characteristics, potential to increase fuel density, and their ability to degrade natural and planted landscapes, invasive plants, as recognized by the City of Chino, City of Chino Hills or San Bernardino County Development Code, shall be removed within one hundred (100) feet of all structures.

Section 3. MINIMUM GENERAL REQUIREMENTS FOR PARCEL MAINTENANCE OF ALL PARCELS LESS THAN FIVE (5) ACRES THROUGHOUT THE DISTRICT.

3.1 Cut and uncut weeds, grass, tumbleweeds, vines, trees, or other vegetation that is capable of being ignited and endangering property shall be removed by the owner or occupant of the premises. Parcels that are five (5) acres or less in size shall be completely cleared of all combustible vegetation, combustible mulch, and dead, dying, and diseased trees deemed hazardous by the fire officials. Removal shall be by means of disking or mowing to a height of less than four (4) inches.

Section 4. MINIMUM GENERAL REQUIREMENTS FOR PARCEL MAINTENANCE OF ALL PARCELS GREATER THAN OR EQUAL TO FIVE (5) ACRES THROUGHOUT THE DISTRICT.

4.1 Parcels greater than five (5) acres shall provide a minimum one hundred (100) feet of clearance for combustible vegetation, combustible mulch, and dead, dying, and diseased trees around the perimeter of the parcel and additional clearance as required by the fire official. Removal shall be by means of disking or mowing to a height of less than four (4) inches.

Section 5. CLEARANCE OF BRUSH AND VEGETATIVE GROWTH FROM ELECTRICAL TRANSMISSION AND DISTRIBUTION LINES.

5.1 Combustible free space shall be provided around each electrical transmission and distribution pole or tower, consisting of a clearing of not less than ten (10) feet (3048 mm) in each direction from the outer circumference of such pole or tower and directly under and adjacent to electrical transmission or distribution

lines. Lines used exclusively as telephone, telegraph, alarm transmission, or other lines classed as communications circuits by a public utility are exempt from the requirements of Section 5.

- 5.2 The Fire Official may establish minimum clearances different from that specified in Section 5.1 if it is determined that a circumstance exists to justify imposition of a different minimum clearance, including but not limited to species growth rates, the utility company's specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature, and the tree's location in proximity to high voltage lines.

Section 6. CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES TO CREATE DEFENSIBLE SPACE FOR STRUCTURES IN HIGH FIRE HAZARD AREAS.

- 6.1 Responsible parties owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and responsible parties owning, leasing or controlling land adjacent to such buildings or structures, shall at all times maintain an effective fuel modification zone/defensible space of one hundred (100) feet from any structure in addition to the general requirements for parcel maintenance as required in Section 3 or 4. This one hundred(100) foot space shall be broken down into the following zones:

Ember Resistant Zone: Zero to five (0-5) feet from a structure:

- 6.1.1 Any combustible vegetation, dead or dying materials, combustible materials such as hay bales, or accumulation of ground needles and leaf litter shall be removed within this zone.
- 6.1.2 All accumulations of needle and leaf litter shall be removed from roofs, rain gutters, decks, and porches.
- 6.1.3. From the effective date of this Ordinance, all new construction or any replacement landscape installations shall NOT have any combustible mulch within this five (5) foot zone from the furthest attached exterior point of the home. Landscape plantings shall only be irrigated lawn or low-growing properly spaced fire-resistant shrubs or herbaceous (non-woody) plants. Vegetation shall not come in contact with the structure, and specimen spacing shall be such as not to allow the transfer of fire from plant to plant, or from plant to the structure.
- 6.1.4. Any combustible materials that could catch fire shall not be stored under decks, exterior stairways, or balconies. Combustible patio furniture, umbrellas, trash receptacles, or other combustible items should not be stored or placed directly adjacent to structures.
- 6.1.5. Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed

of nonflammable material with openings of not more than half (1/2) inch in size.

6.1.6. Remove that portion of a tree that extends within ten (10) feet of the outlet of a chimney or stovepipe.

6.1.7. Remove dead tree or shrub branches that overhang roofs, below or adjacent to windows, or which are adjacent to wall surfaces.

Zone 1: Six to thirty (6-30 feet) from a structure:

6.1.8. The area that is six (6) to thirty (30) feet away from a building or structure shall be cleared of all flammable vegetation or other combustible growth. Any weeds or dead grasses shall be cut to a height not to exceed four (4) inches. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

6.1.9. Remove all dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and pine needles from the zone whether such vegetation occurs in yard areas around the structure or any other location within the zone.

6.1.10. All trees and shrubs in this zone shall be properly maintained free of deadwood, litter, or dead palm fronds.

6.1.11. All newly planted fire-resistant tree species from the effective date of this Ordinance shall be planted and maintained at a minimum of ten (10) feet from the tree's drip line to any structure utilizing two-thirds (2/3) of the trees' mature canopy size.

6.1.12. All newly planted non-fire-resistant tree species from the effective date of this Ordinance shall be planted and maintained at a minimum of thirty (30) feet from the tree's drip line to any structure utilizing two-thirds (2/3) of the trees' mature canopy size.

Zone 2: Thirty-one to one hundred (31-100 feet) from a structure:

6.1.13. Combustible vegetation in this zone must be removed by methods such as mowing, disking, thinning and trimming. Mowing is preferred when it is desirable to leave the plant root structure intact to stabilize the soil.

6.1.14. Accumulated leaf litter or any combustible mulch in this zone may not exceed three (3) inches in depth.

6.2. Additional requirements in the one hundred (100) foot defensible space zone:

6.2.1 Create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method or a combination of both to achieve defensible space clearance requirements. Selection of the appropriate method should be done by

reference to the State Board of Forestry and Fire Protection's "General Guidelines for Creating Defensible Space" (Feb. 8, 2006), incorporated herein by reference, and as may be amended from time to time.

- A. The Fuel Separation method is focused on horizontal spacing and accounts for slope as well as type and size of shrubs or trees. For slopes up to 20%, shrubs are to be horizontally separated by a distance equal to two times the height of the shrub and trees should be ten (10) feet apart measured at the widest part of their canopy. For slopes measuring 20%-40%, shrubs are to be horizontally separated by four times the height of the shrub and trees should be twenty (20) feet apart measured at the widest part of their canopy. For slopes greater than 40%, shrubs are to be horizontally separated by six (6) times the height of the shrub and trees should be thirty (30) feet apart measured at the widest part of their canopy.
 - B. The Continuous Tree Canopy Method eliminates ladder fuels by requiring a minimum vertical clearance of tree branches to six (6) feet or one-third (1/3) of the tree height, whichever is less. If shrubs are beneath the tree, the tree branches are to be removed providing clearance of at least three (3) times the height of the shrub.
- 6.2.2. Firewood shall be stored a minimum of thirty (30) feet from any structure unless covered in a fire-resistant material; or thirty (30) feet from the property line if there is an adjoining structure to the property line.
 - 6.2.3. Logs or stumps embedded in the soil must be removed or isolated from other vegetation.
 - 6.2.4. All mature trees within this one hundred (100) foot zone shall be trimmed so that there is a minimum vertical clearance between tree limbs and the ground equal to six (6) feet or one-third (1/3) of the tree height, whichever is less. If shrubs are planted underneath the tree, the tree shall be trimmed up to three (3) times the height of the materials planted under the tree or up to one-third (1/3) of the tree height.
 - 6.2.5. All exposed wood piles must have a minimum of ten (10) feet of clearance, down to bare mineral soil, in all directions.
 - 6.2.6. "Outbuildings" and Liquid Propane Gas (LPG) storage tanks shall have the following minimum clearance: ten (10) feet of clearance to bare mineral soil and no flammable vegetation for an additional ten (10) feet around their exterior.

- 6.3. Provisions of this ordinance are not intended to conflict with specific fire management and fuel modification plans for master planned communities. If such a conflict occurs, the more restrictive provision shall apply.
- 6.4. Provisions of this ordinance are not intended to conflict with any Federal or State requirements which may limit vegetation removal in recognizable riparian (stream side) zones or vernal pool depressions.
- 6.5. Provisions of this ordinance are not intended to conflict with regulations of the California Department of Fish and Game or U.S. Fish and Wildlife Service concerning the occurrence of rare, threatened, or endangered species. Parcels known to contain or that the parcel owner believes may contain habitat or rare, threatened or endangered plant species, shall contact the California Department of Fish and Game and the U.S. Fish and Wildlife Service at least ten (10) days in advance of clearing. If the parcel owner is aware of any federally or state listed species then the appropriate wildlife agency shall be contacted prior to clearance. It is possible that a permit may be required from the appropriate agencies (U.S. Fish and Wildlife Service and/or the California Department of Fish and Wildlife) prior to clearance. If a State or Federal candidate or listed species is killed, injured or captured, the landowner shall report this information to the Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service.

Section 7. INCREASED DEFENSIBLE SPACE MORE THAN ONE HUNDRED (100) FEET FROM STRUCTURES.

- 7.1 The Fire Official may require an increase of defensible space due to topographical or geographical concerns.

Section 8. SPACE ALONG PROPERTY LINES.

- 8.1 No responsible party shall permit any accumulation of combustible vegetation, dead, dying, or diseased trees, green waste, waste matter, or other flammable/combustible materials within fifty (50) feet of the property line when such accumulation endangers or encroaches on the required defensible space for improvements on an adjacent property. The Fire Official may require a distance greater than fifty (50) feet but not to exceed one hundred (100) feet when it is determined that the greater distance is necessary to provide defensible space for improvements on an adjacent property.

Section 9. CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM ROADWAYS.

- 9.1 The Fire Official is authorized to cause the area within twenty (20) feet on each side of the portions of highways and streets/roads, on private property improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. Such clearance shall comply with the requirements of a fuel modification zone.

Vegetation shall not protrude into the roadway, and shall have a minimum of thirteen (13) feet, six (6) inches vertical clearance free of vegetation.

9.1.1 EXCEPTION (1): Single specimens of trees, ornamental shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers are excluded from this requirement, provided that they do not form a means of readily transmitting fire.

9.1.2 EXCEPTION (2): Driveways require a minimum 10 feet of clearance.

9.1.3 EXCEPTION (3): For high fire hazard areas and evacuation routes, the Fire Official is authorized to require thirty (30) feet of roadway clearance of flammable vegetation and other combustible growth and shall comply with the requirements of a fuel modification zone.

Section 10. GRADING.

10.1 The provisions of this chapter shall not be construed to authorize grading which does not comply with the rules of any local city or county building, planning, or land use services department or division, or any other authority having jurisdiction.

Section 11. ORDER TO ABATE HAZARD.

11.1 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, or parking area, or adjacent to such lot or premise, in violation of this ordinance, the Fire Official will cause a written order to be issued to identify the violation and direct the immediate abatement of such public nuisance or fire hazard.

11.2 Such order will be headed: "ORDER TO ABATE HAZARD" and shall, in legible characters, direct the abatement of the nuisance or fire hazard and refer to this article and section for particulars. Any Order to Abate Hazard will contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance, and will provide the property owner with details regarding the opportunity to be heard on the Order before the District Board prior to imposition of penalties or other action by the Board.

Section 12. SERVICE OF ORDER TO ABATE HAZARD.

12.1 The Order to Abate Hazard may be served in any of the following manners:

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

12.1.2 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.

12.1.3 By posting in a conspicuous place on the land or adjacent public right of way a notice in conformance with Section 14891 and similar to Section 14892 of the Health and Safety Code, not more than one

hundred (100) feet in distance apart, along such right of way with at least one notice posted on each lot or parcel.

12.2 Service by mail shall be deemed complete at the time of deposit in the U.S. Mail. The failure of any owner of the property or person in possession of the property to receive such Order shall not affect the validity of these proceedings.

Section 13. RIGHT TO A HEARING ON ORDER TO ABATE HAZARD BEFORE THE BOARD OF DIRECTORS.

13.1 Within at least ten (10), but no more than fourteen (14), days from the date of posting, mailing, or personal service of the required Order to Abate Hazard, the responsible party may file a request for a hearing with the Fire District Board of Directors. Such request for hearing must be in writing and be filed with the Clerk of the Board prior to any posted Fire District Board of Directors Meeting. At such regular or special meeting of the Board of Directors, not less than five (5) days nor more than thirty (30) days after receipt of the written request for a hearing, the Board will hear and make any rulings relating to such request, and the decision of the Board of Directors at that time will be final and conclusive.

Section 14. ACTION AFTER HEARING ON ORDER TO ABATE HAZARD.

14.1 After final action is taken by the Board on the disposition of any protests or objections to the Order to Abate Hazard, or if no request for a hearing is received within the time provided, the Board shall order the responsible party to abate the nuisance as set forth in the Order and this Ordinance, and advise of any applicable administrative penalties if the responsible party does not conduct abatement.

14.2 The responsible party must abate the hazard immediately and reinspection will occur within ten (10) days of the conclusion of the hearing process set forth in Section 13 or within a timeline approved by the AHJ if no hearing is requested.

14.3 The Fire Official may conduct a reinspection after the time for abatement set forth in Section 14.2 has passed, to verify compliance with the Order and this Ordinance. Such reinspection shall be conducted no sooner than ten (10) days after final determination of the Board of Directors upon a hearing, unless a more immediate reinspection is determined to be necessary by the Fire Official. If, upon reinspection, the Fire Official determines that the nuisance has not been abated in accordance with the Order and this Ordinance, administrative penalties may be imposed as set forth in Section 17 or additional actions may be taken in response to the violation pursuant to State law.

Section 15. ABATEMENT PROCEDURES

15.1 If a property contains weeds that are declared a public nuisance by resolution of the Board of Directors of the Fire District pursuant to Health and Safety Code 14875 *et seq.*, and the owner fails or neglects to abate the nuisance after receiving the requisite notice and opportunity to be heard, the Fire Official 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 District's Administrative Office.

15.2 Right of access after Order to Abate. The officer, board or commission, and his or its assistants, deputies, employees, or contracting agents, or other representatives may otherwise enter upon private property for the purpose of removing the weeds with consent of the person owning or lawfully occupying such property, or by obtaining an abatement warrant from the court.

Section 16. SEASONAL AND RECURRENT NUISANCES

16.1 The District may pass a resolution declaring certain properties to contain seasonal and recurrent nuisances, as defined in Article II. Any potentially affected property owner may appear at the meeting at which the Board plans to adopt said resolution, and may be heard before the Board on any protests to the resolution. The Board may modify the resolution as it sees fit, and thereafter adopt the resolution. Once the resolution is adopted, to abate such seasonal and recurrent nuisances the District may thereafter mail a notice to the owners of that property as appearing on the current assessment roll. The notice shall refer to and describe the property and state that dangerous weeds of a seasonal and recurrent nature are growing on the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by District authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

Section 17. VIOLATION AND PENALTIES.

17.1 The owner, occupant, agent, or any responsible party of any lot or premise within the Fire 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 said responsible party, or who shall violate any of the provisions of this Ordinance, including after an Order to Abate Hazard is

lawfully issued, may be subject to criminal, civil, and administrative penalties as set forth herein.

- 17.2 Administrative Citation for Violation of Ordinance. The District may impose an administrative citation against any person in violation of this Ordinance in the manner set forth in the District's Administrative Citation Program ordinance. Administrative citations and penalties are in addition to all other legal remedies – criminal or civil – which the District may pursue to address a violation of this Ordinance.
- 17.3 Criminal Enforcement. The District may pursue criminal enforcement of this Ordinance in accordance with Health and Safety Code sections 13871 and 13872, as may be amended from time to time.
- 17.4 Civil Enforcement. The District may pursue civil enforcement of this Ordinance in accordance with Health and Safety Code section 13861(a), as may be amended from time to time.

Section 18. COST RECOVERY FOR FIRE SUPPRESSION AND EMERGENCY SERVICES.

- 18.1 Pursuant to Health and Safety Code sections 13009 and 13009.1, the Fire District may recover fire suppression and investigation costs arising from any owner, occupant, agent, or responsible party of any lot or premise within the Fire District who, negligently or in violation of the law, sets a fire, allows a fire to be set, or allows a fire to escape onto any public or private property. The District may also recover fire suppression and investigation costs from any person, other than a mortgagee, who is in actual possession of a structure and fails or refuses to correct a fire hazard prohibited by law within an allotted time, for which the District has issued a Notice of Violation. The District may also recover fire suppression and investigation costs from any person, including a mortgagee, who has an obligation under the law to correct a fire hazard prohibited by law but fails or refuses to correct such hazard within an allotted time, for which the District has issued a Notice of Violation. All charges which a person may be liable for under this section constitute a debt of that person, and may be collected by the District in the same manner as an obligation under a contract.

Section 19. PROPERTY OWNER DOCUMENTATION OF COMPLIANCE WITH THIS ORDINANCE.

- 19.1 Pursuant to Civil Code section 1102.19, a seller of real property that is located within the jurisdiction of the Fire District and is in a high or very high fire hazard severity zone, as defined, must provide to any buyer documentation stating that the property is in compliance with any local vegetation management ordinance. This Ordinance is hereby declared to be a vegetation management ordinance for this purpose, and a seller of real property in a high or very high fire hazard severity zone can obtain documentation of compliance with this

Ordinance by submitting a request in writing to the District at least fourteen (14) days prior to the date upon which the seller must be provided the documentation. A property owner who sells their property without first obtaining documentation of compliance with this Ordinance from the District is in violation of this Ordinance and the District may pursue any legal remedies available to it, including but not limited to criminal or civil prosecution or administrative citation.

Section 20. VALIDITY.

20.1 The Board of Directors hereby declares that should any section, paragraph, sentence, or word of this Ordinance, or the Codes or Ordinances referenced herein, be declared for any reason to be invalid, it is the intent of this Board that it would have adopted all other portions of this Ordinance independent of the eliminations from any such portion as may be declared invalid. Upon invalidation of any provision of this Ordinance, all other provisions shall remain in full effect as if independently adopted.

Section 21. DATE OF EFFECT.

21.1 The Clerk of the Board of Directors will certify the adoption of this Ordinance and cause the same to be published in the manner required by law. This Ordinance will take effect thirty (30) days after its final passage at a public hearing as required by law.

REVIEWED, APPROVED AND ADOPTED this 9th day of February, 2022.

Mike Kreeger, President
Board of Directors
Chino Valley Independent Fire District

ATTEST:

Melania Arredondo
Acting Clerk of the Board

I, Melania Arredondo, Acting Clerk of the Board of the Chino Valley Independent Fire District, hereby certify that foregoing Ordinance No. 2022-01 was duly introduced and placed upon its first reading at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the 12th day of January, 2022, and that thereafter, said Ordinance was duly reviewed, approved and adopted, at a regular meeting of the Board of Directors of the Chino Valley Independent Fire District on the 9th day of February, 2022, by the following vote, to wit:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:
ABSTAIN: BOARD MEMBERS: