

ORDINANCE No. 19-01

AN ORDINANCE OF THE SHASTA LAKE FIRE PROTECTION DISTRICT
ESTABLISHING PROCEDURES FOR ABATEMENT OF FIRE AND LIFE SAFETY
HAZARDS ASSOCIATED WITH UNSAFE PROPERTIES AND STRUCTURES, AND
AUTHORIZING RECOVERY OF ABATEMENT COSTS

Whereas, excessive fuel loads such as vegetation, rubbish and debris accumulated in yards and vacant lots can increase a fire's intensity, aiding in the spread of fire which can endanger the lives of people in the area during a fire event; and,

Whereas, toxic smoke as well as intense flames from the burning of materials found in abandon vehicles, discarded furniture and other man-made debris increases the health risks associated with fire suppression; and,

Whereas, vacant properties with unsecured buildings pose a potential risk of fire and threat to public health and safety by concealing unauthorized or squatter activities involving the use of fire and/or use of unauthorized fire-related devices; and,

Whereas, well maintained and cleared property will decrease the intensity and spread of wildfire during a fire event, and allow safer evacuation of the public and quicker access by responders to the fire; and,

Whereas, the Shasta Lake Fire Protection District is authorized pursuant to California Health and Safety Code Sections 13862, 13869, 13870, and 13879, and other applicable laws, to enforce fire safety laws and abate fire safety hazards within structures, and fire hazards caused by flammable vegetation and rubbish on and around structures.

Now, therefore, the Board of Directors of the Shasta Lake Fire Protection District ordains as follows:

1. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning set forth in this section.

Combustible vegetation means:

- A. Dead trees, either standing or downed.
- B. Dead limbs, needles, leaves, or other debris of plants or trees.
- C. Dry combustible weeds, or dry grasses over four inches in height.
- D. Combustible, dry, or dead brush and plant material.

Fire Chief means the Chief of the Shasta Lake Fire Protection District, or his or her designee.

Fire District or *District* means the Shasta Lake Fire Protection District.

Fire hazard means:

- A. Combustible vegetation dry or living.
- B. Brush on the property within fifty (50) feet of any structure or within thirty (30) feet of any public or private road and/or utility and flood or fire control access road.
- C. Any unenclosed pile of yard clippings, leaves, or tree trimmings placed on the ground and deemed by the Fire Chief to be a fire hazard.
- D. Any other condition of real property, including any condition involving vegetation, plant, or tree material, defined or described in the most recent edition of the California Fire Code, as adopted by the District, as a fire hazard.
- E. *Fire Hazard* also means and includes any structure within the boundaries of the District, whether residential, commercial, or industrial, unoccupied or occupied, that is not being actively maintained, monitored, or secured such that in the determination of the Fire Chief, there exists a fire or life safety hazard due to increased risk of fire ignition or any other condition that will promote the spread of fire.

Owner/Occupant means, collectively and individually, any fee owner, tenant, or person or entity in lawful control of, or any other person or entity having or owning a possessory interest in, private real property.

2. Authority of the Fire Chief

A. The Fire Chief shall be responsible for the administration and enforcement of this Ordinance. For such purposes, the Fire Chief shall have the power to declare property, buildings or portions thereof as fire hazards and to ensure that such hazards are abated pursuant to the provisions of this Ordinance. The Fire Chief shall have the power to render interpretations of this Ordinance, and to adopt and enforce rules and supplemental regulations, to the extent permitted by law, in order to clarify the application of this Ordinance. Such interpretations, rules and regulations shall conform to the intent and purpose of this Ordinance.

B. During normal business hours, the Fire Chief may enter areas open to the public, in or upon commercial property or any building where the Fire Chief has reasonable cause to believe a fire hazard may exist, for the purpose of inspection or re-

inspection. For property posted or where access is restricted the Fire Chief will seek permission from the property owner/occupant. If access is not granted the Fire Chief may seek a warrant for entry.

C. The Fire District has finite personnel and financial resources and when faced with a non-compliant owner/occupant, the Fire Chief shall have discretion to decline or delay the commitment of District personnel or resources to the abatement process. Any decision to decline or delay initiation of the formal abatement process shall not excuse the responsibility of any property owner/occupant to abate a fire hazard as required by this Ordinance, nor does it preclude the Fire District from beginning any abatement process when resources become available.

D. If an inspection is required to confirm the existence of a fire hazard, inspection of the suspect property or building will first be made from public property, a location open to the public, or other property for which consent to enter has been obtained by the District. If the Fire Chief is unable to confirm the existence of a suspected fire hazard from any of the foregoing locations, a request may be made by the Fire Chief to the owner/occupant to enter property for the purpose of inspection. Such request to enter the property to inspect may be verbal or by mailing by certified mail with proof of delivery of a District Inspection Request form to the owner/occupant of record. If the owner/occupant refuses a verbal request for consent to enter the property to inspect, or if after 10 days following the mailing of the District Inspection Request form, no reply has been received, the Fire Chief may apply to the Superior Court for an inspection warrant to inspect the property, pursuant to California Code of Civil Procedure sec. 1822.50, et seq.

E. Notwithstanding any failure to receive consent to enter to inspect, the Fire Chief may determine the existence of a fire hazard based on conditions lawfully observed from any location.

3. Duty to abate fire hazards

Every owner/occupant of private real property within the boundaries of the District shall abate all fire hazards from such property, including fire hazards existing in, upon, or around structures, sidewalks, parkways, trails, lots, and easements on such property, unless the easement is under the sole control of another person or entity, as determined by the Fire Chief. All such fire hazards are declared to be a public nuisance as to which the costs of abatement, as more fully described herein, may be specially assessed as provided in Health and Safety Code Sections 14902 and 14912, et seq., or otherwise as provided by law. The procedures for abatement of fire hazards set forth herein are not exclusive, but are in addition to any and all other procedures provided by law for the abatement of nuisances and fire hazards.

4. Notice to abate