

ORDINANCE 2015-01

AN ORDINANCE OF THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD OF DIRECTORS ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA REGULATIONS TITLE 24, PART 9 AND RELATED CODES WITH APPENDICES AND AMENDMENTS AS IDENTIFIED HEREIN THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY, AND REPEALING ALL CONFLICTING AND PARTS OF ORDINANCES AND APPLYING THE NEW ORDINANCE OF THE DISTRICT, AND AMENDING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE FOLLOWING PARTS:

PART 9 California Fire Code

AND AMENDING THOSE PORTIONS OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 AS IDENTIFIED HEREIN.

The American Canyon Fire Board of Directors does ordain as follows:

Section 1: Repealed American Canyon Fire Protection District (District) Ordinance 2012-01 Weed and Rubbish Abatement, of the District has been repealed in its entirety by this Ordinance.

Section 2: Purpose and Authority The purpose of this Ordinance is to amend by reference the 2013 edition of the California Building Standards Code, Title 24, Part 9 of the California Code of Regulations.

Section 3: Ordinance 2015-01 of the District is hereby adopted to read as follows:

Adoption of the California Fire Code

The 2013 California Building Standards Code, Title 24, California Code of Regulations, Part 9, California Fire Code, and by reference the 2012 International Fire Code published by the International Code Council, Inc., including specifically appendices Chapters, 4, A, B, BB, C, CC, E, F, G, H and K is adopted by reference the same as though fully set forth herein, save and except those portions hereinafter deleted, modified or amended by previous ordinances, of which one (1) copy is available in the Office of the Fire District Clerk for inspection by the public.

Amendments.

The District Board hereby finds that due to local climatic, geologic and topographic conditions modifications and changes to the current California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property. The following section and/or subsections of the California Fire Code (CFC), 2013 Edition, are hereby amended as follows:

The California Fire Code, 2013 Edition, is amended as follows:
American Canyon Fire Protection District Ordinance 2015-01

304.1.4 WEED AND RUBBISH ABATEMENT

Duty to remove.

The following are declared to be public nuisances within the limits of the Fire District and it shall be the responsibility of the owner, occupant, agent or person having charge of the property, upon which such nuisances exist, to abate such nuisances at his or her own expense whenever they may exist:

A. All weeds, thistles, rank grass, brush, berry vines and dead or dying trees located on private property (including right-of-way and sidewalk adjoining their property), streets and alleys;

B. All rubbish, trash, inoperative and/or abandoned vehicles, and all other such accumulations that contribute to the fuel load or hinder the clearing of properties or delay fire fighting operations (including right-of-way, alleys and sidewalks).

Date for removal of vegetation.

The District Board by this ordinance shall establish how vegetation removal must be accomplished and the methods and materials to be used. Vegetation removal shall be accomplished by June 1st of every year.

Notice required.

It is declared to be the duty of the Fire Chief's designated Fire Marshal to notify any person failing to comply with the provisions of the foregoing section to comply therewith by written notice served in the manner hereinafter provided.

Notices to abate--Posting or mailing. (Exhibit A)

Notice required by this chapter shall be given by registered or certified mail to the property owner and may be given to the occupant or agent (if known) in charge of the property, land or lot, or by posting the notice on the property. Service on one owner of property in multiple ownership shall be deemed in compliance with this section.

Removal by the District required.

Unless within ten days from the date of posting of the notice, or in case of registered or certified mail notice within ten days from the date of the registered or certified mail service thereof, whichever is later, or in case of appeal to the Fire Chief, within ten days from the date of the determination thereof, unless the same is sustained, the weeds, grass, brush, rubbish or trash, as referenced, are to be removed from said property, land or lot, as directed by said notice, or by the Fire Chief on appeal, the Fire Marshal shall thereupon remove or cause the same to be removed. If upon appeal, the requirements of the original notice are modified, the Fire Marshal will have the authority in removing or causing to be removed such weeds, grass, brush, rubbish or trash shall be governed by the determination of the Fire Chief so made.

Cost of removal by order of the District.

Any expense which the District incurs as a result of having weeds, grass, brush, rubbish or trash, as the case may be, removed, shall be charged to the property owner, and in addition to the actual expense incurred there shall be charged to said owner an overhead charge of ten percent of the removal costs with a minimum of one hundred dollars, each occurrence, per parcel to defray the costs of inspection and mailing of notices.

Record of work performed by the District.

The Fire Marshal shall keep, or cause to be kept, a permanent record showing the description of each piece of property or lot from which weeds, grass, brush, rubbish or trash are removed under the provisions of this chapter, the name of the owner thereof, if known, the date of posting of notice herein provided for, or in case of registered or certified mail service, the date of such registered or certified mail service, and in case of appeal, the date of the determination made through the appeal process of the Fire Chief or Fire Board of Directors, and the expenses incurred in the removal of such weeds, grass, brush, rubbish or trash, including overhead charge.

Appeal from determination of cost.

A. Any person affected or aggrieved by any act or determination of the Fire Marshal concerning costs incurred under this chapter may appeal there from to the Fire Chief within ten (10) days after receipt of cost. If the person does not agree with the decision by the Fire Chief, they may proceed to the Fire Board of Directors by filing notice thereof in writing with the District clerk within ten (10) days after receipt of cost.

B. Within thirty (30) days after receipt of a written appeal, the Fire Board shall hear and decide upon such appeal on the matter of costs and its determination thereupon shall be final and conclusive and the Fire Marshal shall carry out any directions of the Board made upon appeal and shall cause appropriate corrections and entries to be made in its said records to conform therewith.

Administrative Citation Fees:

A courtesy notice identifying properties in need of weed abatement will be sent out the first week of May to the property owners.

Inspections by the District will begin the first week of June of each calendar year. Properties not in compliance will be posted with a notice to abate and compliance ordered within ten (10) calendar days. A copy of the posting will also be mailed. In the event the property owner fails to bring the property into compliance 10 calendar days after receipt of the registered or certified mailing, the District's contractor will be issued a work order to complete the work. The property owner will be billed for all contractor costs incurred, including a \$100.00 administrative fee. .

Additionally, an administrative citation of \$100 will be issued for failure to comply with the District Ordinance. Should the property not be maintained throughout the declared fire season, subsequent \$200 citation(s) may be issued at a future date, if the property owner continues to violate the ordinance within a 12 month period.

Collection of Fire District costs.

The Fire District shall turn over all delinquent bills to an authorized collection agency for payment.

Cutting Criteria:

Dried weeds, grasses and brush shall be cut and maintained to a height of no more than four (4") inches for a minimum of thirty (30') feet around structures.

Note: 100' feet minimum if in identified wildland urban interface (WUI) area.

Exception: Single specimens, ornamental shrubbery or similar plants used for ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to a structure.

All parcels under 3 acres in size and all vacant parcels shall be completely cut, including areas around fences. **Perimeter cuts only are not acceptable for parcels of 3 acres or less.**

Exception: parcels under 3 acres that are contiguous and having the same owner, creating a *cumulative* size greater than 3 acres

All parcels over 3 acres shall be required to mow or disc a minimum 30 foot perimeter around the property. In addition to the perimeter treatment, cross cuts will be required to break up the continuity of flammable vegetation.

Dead or dying trees shall be cut down, removed or chipped.

Tree branches shall be trimmed to a minimum of ten (10') feet away from roofs or chimneys and up a minimum of 6ft. from the ground.

Twigs, leaves, pine needles or other flammable vegetation shall be removed from roofs and gutters.

All combustible rubbish, trash and debris shall be removed.

SECTION 4: Findings The American Canyon Fire District Board finds and declares that the additions, modifications, and changes made to this code is necessary for the protection of public health, safety, and welfare due to climatic, geological, or topographical conditions. These amendments are authorized under Health and Safety Code Sections 18941.5 and 17958 and are identified as follows:

A) Express Finding Number 1: Climatic. The American Canyon Fire Protection District experiences periods of high temperatures, accompanied by low humidity and seasonal high winds. These conditions create an environment in which the Fire District would need to fully commit available firefighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have greater difficulty in controlling fires in structures not having built-in fire protection.

B) Express Finding Number 2: Geological. The American Canyon Fire Protection District is located in a region that contains active fault zones: the San Andreas, Hayward, Calaveras and Healdsburg-Rogers Creek. Three active faults are located within Napa County: the Cordelia, Green Valley and West Napa. After a large seismic event, the potential for multiple fires occurring simultaneously will tax available firefighting resources. Built-in fire protection will assist in extinguishing or controlling fires in structures, which will increase the availability of firefighting resources after a seismic event.

C) Express Finding Number 3: Topographical. The American Canyon Fire Protection District is divided geographically in to three parts by the north/south orientation of State Highway 29. The east and west portions of the Fire District contain steep hillsides with residential development intermixed. These natural and manmade barriers can serve as severe impediments to the delivery of public safety services due increased response times and delays in fire suppression efforts due to flooding or traffic congestion. An extended response time allows fires to grow beyond the control of initial attack fire suppression resources. Built in fire protection in the form of automatic fire sprinklers has proven effective in controlling and extinguishing fires in the incipient stages.

D) Express Finding Number 4: The proposed ordinance amendment is not a project that has the potential for causing a significant effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

SECTION 5 Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The District hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 6. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

SECTION 7. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 5022.3 and 6066.

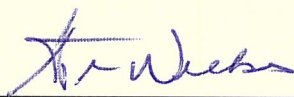
The foregoing ordinance was **PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon, State of California held on the 21th day of April, 2015 by the following vote:

Chairman L. Garcia:	<u>Yes</u>
Vice Chair K. Leary:	<u>Yes</u>
Board Member J. Bennett:	<u>Yes</u>
Board Member M. Joseph:	<u>Yes</u>
Board Member B. Ramos:	<u>Yes</u>




 Leon Garcia, Board President

ATTEST:



 Glen Weeks, District Clerk

APPROVE AS TO FORM:



 William D. Ross, District Counsel