



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 1-18

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICE DISTRICT ESTABLISHING A HAZARDOUS VEGETATION ABATEMENT ORDINANCE.

WHEREAS, the Lake Shastina Community Services District has been classified as being a *Very High or High Fire Hazard Severity Zone* (Cal Fire, 2007); and

WHEREAS, the Board of Directors seeks to protect its citizens from the devastating effects of fire in the communities; and

WHEREAS, the purpose of this Ordinance is to establish the minimum requirements consistent with California State and nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire and to provide safety and assistance to fire fighters.

NOW, THEREFORE BE IT ORDAINED that the Board of Directors adopts the following Ordinance, known as the Lake Shastina Community Services District Hazardous Vegetation Abatement Ordinance, and attached hereto as Exhibit A.

It is hereby certified that the forgoing Ordinance No. 1-18 was duly introduced at a regular meeting of the Lake Shastina Community Services District on 18th of April, 2018 and adopted at a regular meeting of the Lake Shastina Community Services District on 16th of May, 2018

ROLL CALL VOTE

AYES: Directors Cupp, Lewis, MacIntosh, Mitchell and Thompson
NOES: None
ABSENT: None

Lake Shastina Community Services District by:


Carol Cupp, President

ATTEST



Michael Wilson, District Secretary

Lake Shastina Community Services District
HAZARDOUS VEGETATION ABATEMENT ORDINANCE

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Article 1. Title and Scope

Sec. 1.01. Title

This Ordinance shall be known as the “Lake Shastina Community Services District Hazardous Vegetation Abatement Ordinance.”

Sec. 1.02. Application and Scope

The provisions of this Ordinance shall apply to the unincorporated area of Siskiyou County known as Lake Shastina Community Services District (LSCSD or District), to any property owner, property manager or business property within the District.

Sec. 1.03. Purpose

The LSCSD is an area of high winds, low humidity and is designated in the Wildland Urban Interface (WUI). The LSCSD has been classified as being a *Very High or High Fire Hazard Severity Zone* (Cal Fire, 2007). Lake Shastina has over 1,200 homes and over 2,600 vacant parcels in four different home and property owner associations. The District includes The Lake Shastina Golf Resort and Course, which comprises the resort buildings, the golf course and areas of raw land. In addition, there are numerous private properties, varying in acreage, both developed and undeveloped. Eight different major wildland fires have threatened Lake Shastina in the last thirteen years, including the Hoy, Hotlum and Boles Fires. The purpose of this code is to establish the minimum requirements consistent with California State and nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire and to provide safety and assistance to firefighters.

Article 2: Definitions

Sec. 2.01. Defensible Space

Defensible Space is a natural and/or landscaped area, around a structure, that has been maintained and designed to reduce fire danger. Defensible space is used in the context of wildfires, especially in the Wildland-Urban Interface (WUI). This defensible space reduces the risk that fire will spread from one area to another or from a structure to landscape/wildland (or vice versa) and provides firefighters access and a safer area, from which to defend a threatened area. Firefighters may need to forgo attempts to protect structures without adequate defensible space, as it may be highly unsafe for personnel and less likely to succeed, especially in a large fire.

Sec. 2.02. Fire Chief

The current LSCSD Fire Department Chief, or his or her designee.

Sec. 2.03. Fuel

Vegetative material, live or dead, which is combustible.

Sec. 2.04. Ladder Fuels

A firefighting term for live or dead vegetation that allows a fire to climb up from the landscape or forest floor into the tree canopy. Common fuel ladders include tall grasses, shrubs and tree branches, both living and dead.

Sec. 2.05. Modify or Abate

Shall mean any action that physically affects a tree or plant, ranging from pruning or thinning, to complete removal (other than removal of the root ball).

Sec. 2.06. Native Brush

Refers to scrub vegetation, as well as any species that the Fire Chief determines to be a fire hazard. Determinations shall be made based on considerations of plant being (i) threatened or endangered; (ii) a fire, health or safety hazard to the District; (iii) a potential adverse impact on health, safety or welfare of persons or property, including neighbors.

Sec. 2.07. Property Owner

Means any person(s), firm, corporation or entity, including, without limitation, any homeowner's association that has any legal or equitable interest in real property, as shown on public records.

Sec. 2.08. Shrub

A low, usually several-stemmed, woody plant branching from or near the ground, smaller than a tree. Certain species are considered both brush and shrubs. Juniper bushes are a shrub.

Sec. 2.09. Vacant Parcel

Means a parcel(s) of property currently undeveloped or unimproved by any buildings or structures.

Sec. 2.10. Wildfire

A large, destructive fire that spreads quickly over woodland or brush.

Sec. 2.11. Wildland-Urban Interface (WUI)

A WUI refers to the zone of transition between wildland vegetation and urban development. Communities that are within 0.5 miles (0.80 km) of the zone may also be included. These lands and communities adjacent to and surrounded by wildlands are at a higher risk of wildfires.

Article 3: Applicable California Codes

Sec. 3.01. Applicable California Codes

Property owners and property occupants are required to comply with the following State Law:

- (a) California Fire Code (CFC), Chapter 3, Section 304.1.2

Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with CFC, Chapter 49, Requirements for WUI Fire Area

- (b) California Public Resources Code (PRC), Section 4291

- (c) California Government Code (GC), Section 51182

- (d) California Building Code (BC), Section 2113.9.2; Spark Arresters

All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrester. The net free area of the spark arrester shall be not less than four times the net free area of the outlet of the chimney flue it serves. The spark arrester screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized steel or 24-gauge stainless steel. Openings shall not permit the passage of spheres having a diameter larger than 1/2 inch nor block the passage of spheres having a diameter of less than 3/8 inch.

Article 4. Duties of LSCSD Fire Chief

Sec. 4.01. Fire Chief Responsibility to Ordinance.

Included in the duties of the LSCSD Fire Chief is the task of improving the health, safety and welfare of the Lake Shastina Community Services District by initiating, supporting and enforcing all fire safety preventative measures included in the Ordinance and the codes referred to herein. The Fire Chief, or his/her designee, is hereby designated the enforcement officer for LSCSD Hazardous Vegetation Abatement Ordinance.

Article 5. Responsibility of Property Owners

Sec. 5.01. Specifics of Property Owner Compliance.

The property owner is required to be responsible for complying with the Ordinance and codes, to secure the protection and safety of their structures and/or parcels, in the event of a fire.

- (a) Provide 100 feet of defensible space around all occupied structures and buildings on their property, or to the property line if it is less than 100 feet from any structure.

- (b) Modify or reduce the amount of fuel within 30 feet of any building or structure, providing separation between fuel types and/or reshaping retained fuels/vegetation by trimming. All dead, dying and loose surface fuels, including branches, pine cones, grasses and grass cuttings shall be eliminated. A 3-inch layer of pine needles for surface coverage is acceptable, beyond 10 feet of any structure, however, deeper depths are considered a hazard.
- (c) Removal of leaves, needles and dead materials from roofs (notably roof valleys) and gutters of structures.
- (d) Arranging planted and native trees, shrubs and other fuel sources in a way that makes it difficult for fire to transfer from one fuel source to another. This does not mean cutting down all trees and shrubs or creating a bare ring of soil across the property.
- (e) When a building is less than 100 feet from a property line and combustible vegetation on an adjacent parcel presents a fire hazard for the building, the owner of the adjacent parcel where the hazard exists shall be responsible for fuel modification on their land which is within 100 feet of the occupied structure to the extent required by these guidelines.
- (f) Juniper shrubs and highly flammable native brush shall not be planted or maintained within 15 feet of any structure, including any deck or patio.
- (g) Property owners of vacant parcels are required to maintain the amount of fire fuels on their property consistent with the fuel treatment guidelines.
- (h) Vacant lots, within the developments, and undeveloped raw land properties, shall be abated similarly to the specifications within PRC 4291 for the space identified as 30-100 feet. All native brush and shrubs shall be maintained in a manner which minimalizes fire risk, by removing dead branches and twigs, modifying lower foliage of branches, and selectively pruning to reduce plant density, or total removal.
- (i) Horizontal spacing of shrubs shall be maintained such that the space between two shrubs shall be a minimum of two times the height of the tallest shrub. Groups of shrubs clumped together shall be modified so that the diameter does not exceed 15 feet.
- (j) Isolated shrubs, which are thinned and maintained, and are not deemed to constitute a fire hazard by the Fire Chief, will not warrant abatement.
- (k) All trees shall be pruned a minimum of 10 feet away from roof, eave or exterior siding, depending on the tree's physical or flammable characteristics and the building construction features. All branches shall be removed within 10 feet of a fireplace chimney or wood stove pipe.
- (l) Tree Spacing Guidelines for thinning are determined by steepness of slope. The measurement is from trunk to trunk. Property owners residing within the LSCSD are required to adhere to their respective association's rules and regulations regarding any tree removal.
 - 1) Flat or gently sloping (0-20%); 10 feet of spacing.
 - 2) Moderately sloping (21-40%); 20 feet of spacing.
 - 3) Steep slope (+ 41%); 30 feet of spacing.
- (m) In areas with a continuous tree canopy, any tree taller than 45 feet should have all branches lower than twelve to fifteen feet from the ground pruned back to the trunk. A tree shorter than 45 feet should be pruned to remove any live or dead

branches up to 1/3 of its total height. For non-continuous canopy areas, tree branches shall be pruned up to 1/3 the height of the tree. Trees over 20 feet must be “limbed” up at least six feet.

- (n) The distance between lower tree limbs and surface fuels shall have a clearance of 4 to 40 feet, with a minimum clearance of three times the height of the underlying brush and grasses, depending on slope and vegetation, to prevent fire from moving from shorter fuels to taller fuels, identified as ladder fuels.
- (o) EXEMPTION: Deciduous, non-native trees and Spruce trees that have all forest litter removed from underneath the base of the tree, the height of pruning can be reduced by 50%.
- (p) ENVIRONMENTAL EXEMPTIONS: The brush or shrub modification must not result in:
 - 1) The taking of endangered, rare or threatened plant or animal species.
 - 2) Significant erosion and sedimentation of surface waters. The owner of each piece of real property shall, when performing modifications required by this Ordinance, keep soil disturbance to a minimum, especially on steep slopes. Erosion control techniques shall be utilized to help reduce soil erosion and plant re-growth.
- (q) Unimproved parcels, which are adjacent to roadways, and those determined by the Fire Chief to be necessary for the safe ingress and egress to any area, may be identified for access abatement. Included are brush and small tree removal, and the pruning of branches of large trees that extend beyond property boundaries and overhang into easements and/or roadways.
- (r) Excessive clearing should be avoided on steep slopes, so as not to cause erosion.
- (s) Wood piles should be at least 10 feet from any structures.
- (t) A 3/8-inch to 1/2-inch spark arrestor shall be fitted on chimney and stove pipe caps. This will reduce the chance of burning embers escaping from your fire source and igniting a wildfire or a neighbor’s home.
- (u) Coals and ashes from fireplaces, wood stoves and outdoor fire pits shall be placed in a noncombustible container, with a tight fitting lid, until completely extinguished. While cooling, this container should be placed at least 10 feet from any structure or combustible vegetation. No ashes or coals may be dumped in any common area or hazardous fuel area. Buried coals and ashes must be covered by at least one foot of soil and at a distance of no less than 25 feet from any structure or combustible vegetation.
- (v) Violation of these provisions will constitute a public nuisance.

Article 6: Enforcement of Compliance

Sec. 6.01. Administration by Fire Chief.

The LSCSD Fire Chief will administer the necessary provisions of compliance and enforcement regarding the codes included in this Ordinance.

- (a) Any and all aspects of violation of this Ordinance shall be the responsibility of the property owner, including compliance costs and fines incurred.
- (b) The Fire Chief shall assess and enforce provisions of this Ordinance with respect to Defensible Space, including trees, shrubs, debris, firewood and spark arresters,

as deemed necessary for the public health, safety and welfare of the residents of the LSCSD.

- (c) The Fire Chief shall assess and enforce provisions of this Ordinance with respect to fuels including trees, shrubs, debris, firewood and grasses on all properties, both developed and undeveloped, as deemed necessary for the public health, safety and welfare of the residents of the LSCSD.
- (d) The Fire Chief shall be authorized to enter upon private property in order to notify owner and/or occupant of an inspection, to conduct an inspection and to perform abatement / modification or any other action necessary or convenient to the administration and enforcement of this Ordinance.

Sec. 6.02. Right of Entry for Inspection; Applicability – Procedure Required

- (a) Right of Entry for Inspection; Applicability- Procedure required. Whenever necessary to make an inspection to enforce this Ordinance, any pertaining resolution, or whenever there is reasonable cause to believe there exists a hazardous vegetation safety violation, within the jurisdiction of the District, the Fire Chief may, upon presentation of proper credentials, enter the property, at all reasonable times, to inspect the same or to perform any duty imposed upon him by the Ordinance. With the exception of emergency situations or when the consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, a 24 hours written notice of the intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry, after such request has been made, the Fire Chief is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Sec. 6.03. Notice of Violation

When the Fire Chief identifies any property that is in violation of the codes of this Ordinance, he or she is authorized to prepare a written notice of violation describing the conditions deemed unsafe. This notice of violation, issued pursuant to this Ordinance, shall be served upon the owner or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to and leaving it with, some person of responsibility upon the premises. A compliance date will be included.

Sec. 6.04. Implementation of Violation Compliance

If compliance of the violation is not complied with by the designated compliance date, the Fire Chief is authorized to either abate the property with fire department personnel or a LSCSD designated contractor. All costs related to the abatement are the responsibility of the owner.

Sec. 6.05. Violation Penalties:

- (a) The enforcement remedy of civil fines and penalties established in this chapter shall be in addition to any other administrative or judicial remedy provided by law, including, but not limited to, abatement actions.
- (b) Any person violating any provision of this code, as amended from time to time, may be subject to the assessment of civil fines and penalties pursuant to the administrative procedures established in this chapter and authorized by Government Code Section 53069.4.
- (c) In any action brought under District code against the owner of the parcel, the prevailing party shall be awarded attorney's fees and costs.
- (d) Each and every day a violation of this code exists constitutes a separate and distinct violation.
- (e) In any action brought under this code where attorney's fees and costs have been ordered, the LSCSD Board of Directors may order the cost of the abatement to be specially assessed against the parcel in accordance. The assessment may be collected at the same time and in the same manner as LSCSD Fire Department billing, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as are provided for ordinary taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to the special assessment.
- (f) Civil Fines: A violation of this Ordinance is an infraction punishable by a fine of one hundred dollars (\$100). If a person(s) is determined to have a second violation of the Ordinance within five years, that person(s) shall be punished by a fine two hundred fifty dollars (\$250). If a person(s) is determined to have violated the Ordinance a third time within five years, that person(s) shall be punished by a fine of five hundred dollars (\$500).
- (g) The owner of the property shall have the right to appeal any venality pursuant to the District's codes/ordinances.