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ORDINANCE NO. 695.3

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE REQUIRING
THE ABATEMENT OF HAZARDOUS VEGETATION**

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. Ordinance No. 695 is hereby amended in its entirety to read as follows:

Section 1. FINDINGS.

- A. It is the intent of the Board of Supervisors that this ordinance shall apply to the abatement of hazardous vegetation on unimproved property;
- B. Riverside County generally has an arid climate conducive to wildfires and is prone to periodic Santa Ana wind events. Many of the County's native and non-native plant species can be highly flammable during normal dry periods and have contributed to significant wildfires within the County. Santa Ana wind events further exacerbate the fire danger and have resulted in catastrophic fire losses to life, property and the environment.
- C. Riverside County has a diverse and complex landscape which includes deserts, mountains and other brush covered wildlands which are home to many rare and sensitive plant and animal species;
- D. The Board of Supervisors has recognized the importance and uniqueness of this diverse and complex landscape through its adoption and implementation of the Western Riverside County Multiple Species Habitat Conservation Plan which preserves land for the protection of these species;
- E. Of paramount importance to the Board of Supervisors and the citizens of Riverside County is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires; and

1 F. It is the purpose of the this ordinance to establish a hazardous vegetation
2 abatement program that protects the lives and property of the citizens of
3 Riverside County while at the same time protecting rare and sensitive plant
4 and animal species and the environment.

5
6 Section 2. DEFINITIONS.

7 A. Combustible Material – Rubbish, litter or material of any kind other than
8 hazardous vegetation that is flammable and endangers the public safety by
9 creating a fire hazard.

10 B. County Fire Chief -- The Fire Chief of the County of Riverside or his or her
11 authorized representative.

12 C. Hazardous Vegetation – Vegetation that is flammable and endangers the
13 public safety by creating a fire hazard including but not limited to seasonal
14 and recurrent weeds, stubble, brush, dry leaves and tumbleweeds.

15 D. Improved Parcel – A portion of land of any size, the area of which is
16 determined by the Assessor’s maps and records and may be identified by an
17 Assessor’s Parcel Number upon which a structure is located.

18 E. Structure – Any dwelling, house, building or other type of flammable
19 construction including but not limited to a wood fence attached to or near
20 any other structure.

21 F. Unimproved Parcel – A portion of land of any size, the area of which is
22 determined by the Assessor’s maps and records and may be identified by an
23 Assessor’s Parcel Number upon which no structure is located.

24 Section 3. DUTY TO ABATE HAZARDOUS VEGETATION. It shall be the duty of every
25 owner, occupant, and person in control of any unimproved parcel of land or interest therein, which is
26 located in the unincorporated territory of the County of Riverside as that territory is determined and
27 classified by the Board of Supervisors to abate therefrom, and from all sidewalks and parkways, except
28

1 A. The requirements of this section shall be satisfied if there is cleared
2 pursuant to a Notice to Abate by disking, mowing or any other method described in
3 said Notice:

4 (1) a one hundred (100) foot wide strip of land at the boundary of an unimproved
5 parcels adjacent to a roadway; and/or

6 (2) a one hundred (100) foot wide strip of land around structure(s) located on an
7 adjacent improved parcel (some or all of this clearance may be required on
8 the unimproved parcel depending upon the location of the structure on the
9 improved parcel).

10 The County Fire Chief or his or her designee may require more than a one
11 hundred (100) foot width or less than a one hundred (100) foot width for the
12 protection of public health, safety or welfare or the environment. The
13 determination for appropriate clearance distances will be made based upon a
14 visual inspection of the parcel and shall consider all factors that place the
15 property or adjoining structure(s) at risk from an approaching fire. These factors
16 shall include local weather conditions, fuel type(s), topography, and the
17 environment where the property or adjoining structure(s) is located. Examples of
18 the clearance requirements above are attached hereto as Exhibit "A" for
19 informational purposes only.

20 B. Where the parcel's terrain is such that it cannot be disked or mowed, the
21 County Fire Chief may require, or authorize, that other means of removal be used.

22 Section 4. ENFORCEMENT. For the purpose of enforcing this ordinance, the County Fire Chief
23 may designate any person or persons as his/her deputy in the performance of the duties enjoined upon
24 him/her by this ordinance. In addition, each of the following officers within the County of Riverside is
25 hereby designated to perform the same duties within the territory of the political subdivision which he/she
26 serves (and whenever the term "County Fire Chief" is used hereinafter, the following officers are included
27 in the meaning of such word, except that the County Fire Chief, himself/herself, shall coordinate all such
28 officers in the performance of these duties):

- 1 A. Chiefs or Chief Engineers of all Fire Protection Districts within the County, and their
2 deputies; and
3 B. Such other officers as are designated by the Board of Supervisors or the County Fire
4 Chief.

5 Section 5. NOTICE TO ABATE. It shall be the duty of the County Fire Chief, or any of his/her
6 deputies, whenever such officer deems it necessary to enforce the duty set forth in Section 3 hereof, to
7 issue a "Notice to Abate" by mailing the Notice to the property owner as his or her name appears on the
8 last equalized assessment roll and to the address as shown in the records of the Assessor. The Notice to
9 Abate shall be in substantially the form attached hereto as Exhibit "B".

10 Section 6. APPEALS.

- 11 A. Appeals Procedure. Any person who is adversely affected by the Notice set
12 forth in Section 5, may appeal to the Board of Appeals within the twenty (20)
13 calendar days of the postmark on the Notice to Abate by filing a written appeal
14 with the Hazard Reduction Officer. Timely appeal shall stay any further action
15 for removal or abatement until the date set for hearing. The Hazard Reduction
16 Officer shall set the matter for hearing before the Board of Appeals and shall
17 notify the Appellant by mail of the date set for such hearing, at least fifteen (15)
18 days prior to said date. If the Appellant resides outside the County, the above
19 period of notice by mail before the hearing shall be at least twenty-five (25)
20 days. The Appellant shall have the right to appear in person or by agent,
21 designated in writing, at the hearing, and present oral, written, and/or
22 photographic evidence. The Board of Appeals shall decide the appeal and shall
23 issue its decision, which shall be in writing.
- 24 B. Appeals Board. The Board of Appeals shall be comprised of three (3) persons
25 as follows: one (1) member shall be an officer of the department of the issuing
26 officer selected by the Department Head, but not the issuing officer; two (2)
27 members shall be selected by the Board of Supervisors. Members shall serve at
28 the pleasure of the appointing authority.

1 Section 7. REMOVAL OF HAZARDOUS VEGETATION BY PUBLIC OFFICER OR BY
2 PRIVATE CONTRACTOR AND ESTABLISHMENT OF COSTS AND ADMINISTRATIVE FEE. If,
3 at the end of the time allowed for compliance in the original notice, or as extended in cases of appeal, or
4 as specified by the Board of Appeals, compliance has not been accomplished, the officer issuing the
5 Notice or the agency of which he is an officer, may order hazardous vegetation or other combustible
6 material, to be removed by public officers or by employees of said agency, or may cause the removal to
7 be carried out by a private contractor selected by the County Purchasing Agent in accordance with
8 applicable statutes and in the manner and under the terms specified by the Board of Supervisors. The cost
9 of such removal accompanied by a reasonable administrative charge may be imposed as a Special
10 Assessment upon the property, and such property shall be subject to a Special Assessment Lien for said
11 purpose. The costs so assessed shall be limited to the actual costs incurred by the County of Riverside in
12 enforcing abatement upon the parcels, including payment to the contractor, costs of investigation,
13 boundary determination, measurement, clerical, personnel, consultant, and an administrative cost to be set
14 by Resolution adopted by the Board of Supervisors on those parcels where such weeds have not been
15 removed by the property owner at his or her own expense.

16 Section 8. PAYMENT FOR ABATEMENT.

17 A. Procedure for Payment. When said abatement has been completed, the agency or
18 officer so causing the same to be accomplished shall render to the County Auditor-
19 Controller, an itemized statement covering the costs of the work necessary for such
20 abatement. The County Auditor-Controller shall pay the same from the funds of the
21 agency or officer causing said work to be done. The Auditor-Controller shall thereafter
22 cause the charged amount to be entered upon the property from which abatement was
23 accomplished as a Special Assessment which shall be included in the next succeeding
24 tax statement. Thereafter, the amounts of the assessment shall be collected at the same
25 time, and in the same manner, as County taxes are collected, and shall be subject to the
26 same penalties and the same procedure for sale, and in the case of delinquency, as
27 provided for ordinary County taxes, except that if any real property to which such lien
28 would attach has been transferred or conveyed to a bona fide purchaser for value, or if

1 a lien of a bona fide encumbrancer for value has been created and attached thereon,
2 prior to the date on which the first installment of such taxes would become delinquent,
3 then the lien, which would otherwise be imposed by this section, will not attach to such
4 real property and the costs of abatement, shall be transferred to the unsecured roll for
5 collection.

6 B. Appeals. A person may appeal the assessed charges to the Board of Appeals, by
7 following the appeal procedure provided in Section 6 and thereafter, to the Board of
8 Supervisors. Any appeal to the board of Supervisors from the decision of the Board of
9 Appeals, must be filed with the Clerk of the Board of Supervisors within fifteen (15)
10 days from the date of postmark of the mailed decision of the Board of Appeals. Such
11 appeal must be in writing and must specify wherein the Appeals Board erred.

12 C. Cancellation of Claim. All or any portion of any such Special Assessment, penalty or
13 costs heretofore entered, shall, on order of the board of Appeals or the Board of
14 Supervisors, be canceled by the County Auditor-Controller if uncollected, or, except in
15 the case provided for in Section 7, refunded by the County Treasurer-Tax Collector, if
16 collected, if the charges were charged or paid:

17 (1) More than once;

18 (2) Through clerical error;

19 (3) Through the error or mistake of the Board of Appeals, or of the officer, Board
20 or Commission designated by them to give notice, in respect to any material
21 fact, including the case where the cost report rendered and confirmed, as
22 hereinbefore provided, shows the County abated the weeds but such is not the
23 actual fact;

24 (4) Illegally; or

25 (5) On property acquired after the lien date by the State of California, or by any
26 county, city, school district, special district, or other political subdivision, and
27 because of this public ownership, is not subject to sale for delinquent taxes.
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1 The Fire Chief or his/her designee shall have the authority to execute any document that
2 may be required to release or extinguish an assessment or charge that has been recorded
3 against a parcel.

4 D. Procedure for Refund of Payment. No order for a refund under the foregoing section
5 shall be made except on a written claim:

6 (1) Verified by the person who paid the Special Assessment, his/her guardian,
7 conservator, executor or administrator; and

8 (2) Filed within one (1) year after making the payment sought to be refunded.

9 Section 9. VIOLATIONS. It shall be an infraction or misdemeanor for any person, natural or
10 corporate, owning, possessing, occupying, or controlling any lands or premises to fail to perform the duty
11 set forth in Section 3 of the ordinance, or to fail to comply with the requirements in the Notice to Abate as
12 specified in Section 5 of this ordinance, or to interfere with the performance of the duties herein specified
13 for any of the officers named in this ordinance or their deputies, or to refuse to allow any such officer or
14 their deputies or employees, or approved private contractors, to enter upon any premises for the purpose
15 of inspecting and/or removing any hazardous vegetation and/or combustible material hereinbefore
16 described, or to interfere in any manner whatever with said officers or contractors in the work of
17 inspection and removal herein provided.

18 Section 10. PENALTIES FOR VIOLATION. Upon conviction, punishment shall be by a fine of
19 not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) and by
20 imprisonment of not more than six (6) months, or both.

21 Section 11. AUTHORITY TO PROMULGATE REASONABLE RULES AND
22 REGULATIONS. The Board of Supervisors hereby reserves its right to adopt reasonable rules,
23 regulations, and resolutions consistent with this ordinance to enforce, interpret, and carry out the
24 provisions of this ordinance. Such rules may vary among different areas within the County.
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1 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

3 BOARD OF SUPERVISORS OF THE COUNTY
4 OF RIVERSIDE, STATE OF CALIFORNIA

6 By _____
7 Chairman, Board of Supervisors

8 ATTEST:

9 NANCY ROMERO
10 Clerk to the Board

12 By _____
13 (Deputy)

14 (SEAL)

15
16 APPROVED AS TO FORM
17 March 5, 2007

18
19 By Karin Watts-Bazan
20 KARIN WATTS-BAZAN
21 Deputy County Counsel

22
23 G:\Property\MDKing\kwb\Ordinance 695 3 (3).doc

EXHIBIT A

Vacant parcels, adjacent to parcels with structures.

Vacant parcel(s) adjacent to occupied parcels, require 100' of clearance along property lines and, or, from neighboring structures.

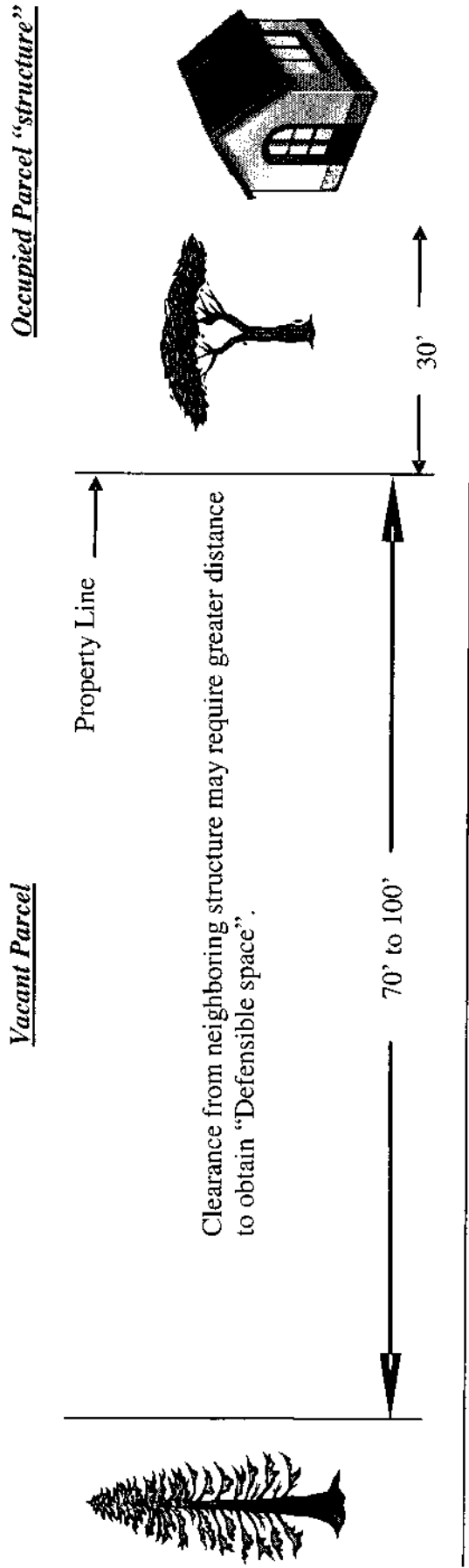
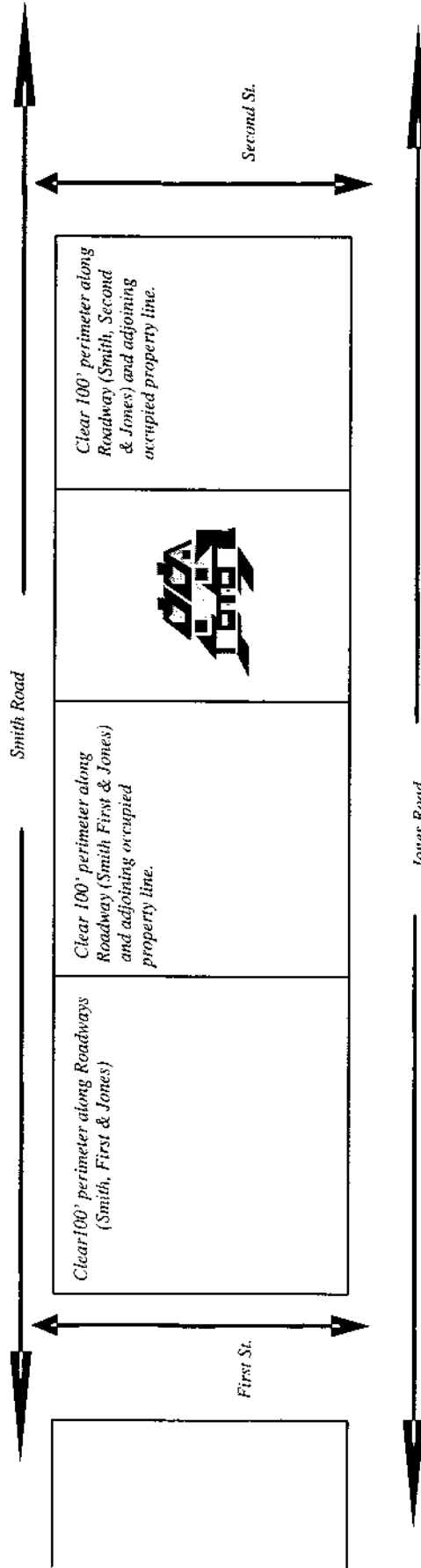


EXHIBIT A

Vacant parcels Adjacent to Roadways, Structures and other vacant Parcels

- Vacant parcel(s) adjacent to occupied parcels and or roadways may require 100' of clearance along adjoining property line(s).
- Vacant Parcels adjoining vacant parcels may not require clearance.





	Clear 100' perimeter along Jones Rd and adjoining occupied property line.		Clear 100' perimeter along Jones Rd and adjoining occupied property line.	Clear 100' perimeter along Jones Rd	Clear 100' perimeter along Jones Rd and adjoining occupied property line								
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EXHIBIT A

Vacant parcels, adjacent to Roadways.

Vacant parcel(s) adjacent to roadways, require 100' of clearance along property line(s) adjacent to Roadways and, or, neighboring structures.

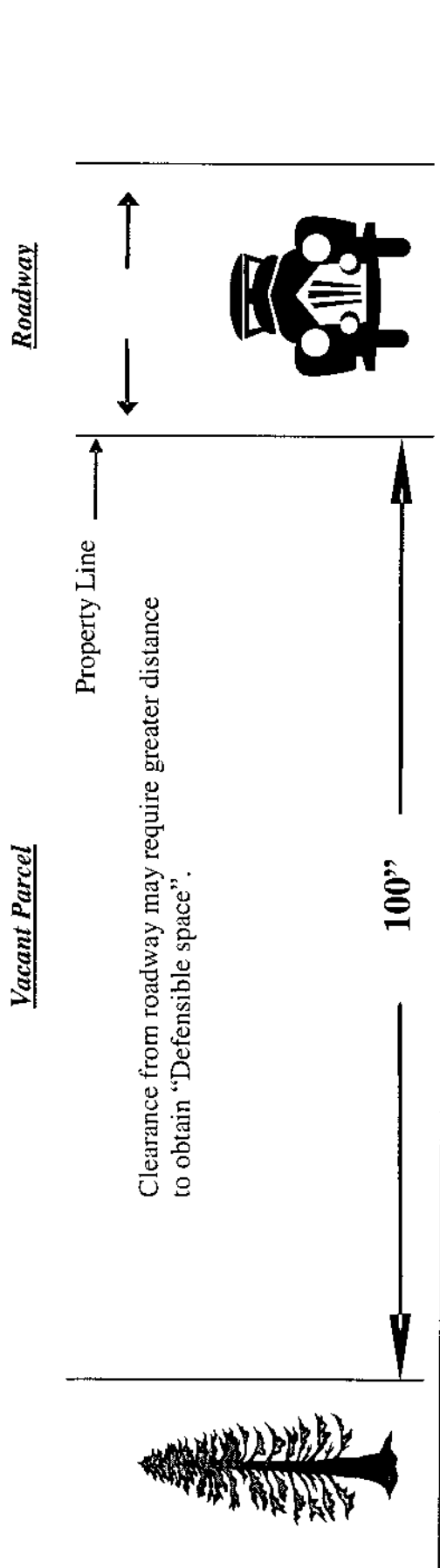
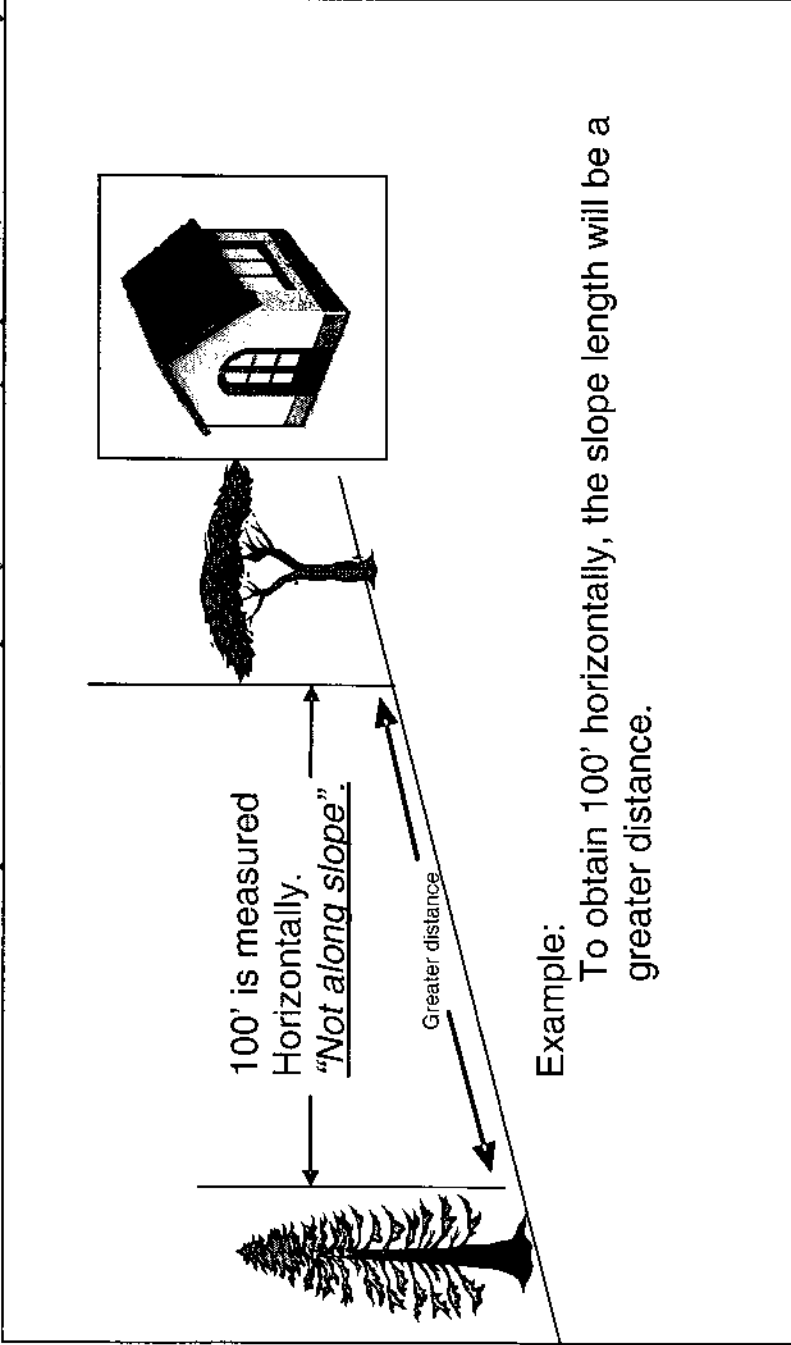


EXHIBIT A

Horizontal Clearance

Vacant parcel(s) with slopes adjacent to occupied parcel(s) and/or roadways.



Example:

To obtain 100' horizontally, the slope length will be a greater distance.

EXHIBIT B
Riverside County Fire Department
Hazard Reduction Office
PO Box 2047
Perris, CA 92572-2047
(951) 940-6307

Notice To Abate

«OWNER1»

Parcel Number: «PARCEL»

«OWNER2»

Date: «MailDate»

«OWNER3»

«OWNER4»

«MAILADDRESS1»

«MAILADDRESS2»

«MAILCITY» «MAILZIP»

Pursuant to the provisions of Riverside County Ordinance No. 695, you are hereby NOTIFIED and REQUIRED to abate the hazardous vegetation as specified below from your property, described as «PARCEL». The Riverside County Assessor's records lists you as the owner.

If said hazardous vegetation is not removed within THIRTY (30) days from the above date, the County Fire Chief, or other duly designated officers may order said vegetation removed by public employees, private contractors, or other persons, and the cost of said removal shall be levied with an added ADMINISTRATION FEE of «AdminCost» per parcel, and assessed against the property as a SPECIAL LIEN.

APPEALS INFORMATION

An APPEAL from this order may be taken by presenting a WRITTEN APPEAL to the HAZARD REDUCTION OFFICE at PO Box 2047 Perris, CA 92572-2047 Tel: (951) 940-6307 within TWENTY (20) calendar days of the post mark on the NOTICE TO ABATE. The Hazard Reduction Officer shall set the same for hearing before the Board of Appeals, and shall notify the Applicant in writing of the hearing date.

IF YOU HAVE ANY QUESTIONS PLEASE CALL (951) 940-6307
Monday-Friday, 8 AM to Noon or 1 PM to 5 PM

Or visit Riverside County Fire's Web Site at: www.rvcfire.org.

Note: If the property subject to this Notice is currently conserved for the benefit of threatened or endangered species or the property is being used for agricultural purposes, please contact this office at (951) 940-6307.

The requirements of this Notice to Abate shall be satisfied by disking, mowing or any other method as described below:

_____ a one hundred (100) foot wide strip of land at the boundary of the unimproved parcels adjacent to a roadway; or

_____ a one hundred (100) foot wide strip of land around the structure located on an adjacent improved parcel (some or all of this clearance may be required on the unimproved parcel subject to this Notice depending upon the location of the structure on the adjacent improved parcel); or

_____ The County Fire Chief has determined it is necessary to increase/decrease the one hundred (100) foot wide strip of land identified above to _____ feet for the protection of public health, safety and welfare or the environment.

_____ The County Fire Chief has determined that the clearance methods of disking or mowing may not be appropriate for the removal of hazardous vegetation on the parcel. Accordingly, the method of _____ has been determined to be acceptable

Examples of the clearance requirements above are attached hereto as Exhibit "A" for informational purposes only.

Please ensure your property is cleared and maintained throughout the year pursuant to Health & Safety Code Sections 14875-14922.

641

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Fire Department

SUBMITTAL DATE:
February 27, 2007

SUBJECT: Amendment to Ordinance 695 concerning the Abatement of Hazardous Vegetation

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt Ordinance No. 695.3 on successive weeks.

BACKGROUND: The Riverside County Fire Department has been inspecting vacant parcels for hazardous vegetation since the late 1980s. Riverside County Ordinance 695.3 needs to be changed to meet the rapid growth and fire prevention, life and safety needs of the County of Riverside.

The changes that are being requested are the elimination of the requirement to clear entire vacant parcels (under 5 acres) and the cross hatching-clearance of vacant parcels over 5 acres. The addition to the ordinance will require up to 100' clearance or more if the fire hazard warrants additional clearance on vacant lands that are adjacent to occupied structures or along roadways where there is a threat for a fire to start and spread threatening life and property.


JOHN R. HAWKINS, County Fire Chief

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	
	Annual Net County Cost:	\$	For Fiscal Year:	
SOURCE OF FUNDS:				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE


County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of the reading.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley

Nays: None

Absent: None

Date: March 13, 2007

xc: Fire, COB

Nancy Romero

Clerk of the Board

By: 
Deputy

Prev. Agn. Ref.:

District: All

Agenda Number:

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy