

- 1 E. Of paramount importance to the Board of Supervisors and the
2 citizens of Riverside County is the protection of lives and property
3 from the threat of fire and the safety of fire and law enforcement
4 personnel during wildfires; and
- 5 F. It is the purpose of this ordinance to establish a hazardous vegetation
6 abatement program that protects the lives and property of the
7 citizens of Riverside County while at the same time protecting rare
8 and sensitive plant and animal species and the environment.
- 9 G. The Board of Supervisors finds that hazardous vegetation or
10 combustible material poses a danger to the health, safety and welfare
11 of the residents in the vicinity of any real property located
12 throughout the territory of the County of Riverside for the reasons
13 set forth above. Therefore, all hazardous vegetation or combustible
14 material located on real property within the territory of the County
15 of Riverside is deemed a public nuisance and poses a hazard to the
16 safety of the landowners, residents in the vicinity, users of public
17 highways and to the public generally.

18 Section 2. DEFINITIONS.

- 19 A. Abate and/or Abatement. An act used to remove, destroy, eliminate,
20 seize, impound, or any action taken to mitigate a public nuisance.
- 21 B. Abatement Costs. Any and all costs incurred by the County of
22 Riverside to abate the hazardous weeds or combustible material on
23 any property pursuant to this ordinance, including physical
24 abatement costs, administration fees and any additional actual costs
25 incurred by the Riverside County Fire Department for the abatement
26 proceeding, including attorneys fees, if applicable.

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

- D. County Fire Chief. The Fire Chief of the County of Riverside or his designated representative, including:
 - 1) Chiefs or Chief Engineers of all Fire Protection Districts within the territory of the political subdivision with the County where he serves, and their deputies;
 - 2) All employees of the Riverside County Fire Department Hazard Reduction Office; and
 - 3) Such other officers as are designated by the Board of Supervisors or the County Fire Chief.

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

- F. Improved Parcel. A portion of land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's Parcel Number upon which a structure is located.

- G. Person. Natural person or corporation.

- H. Structure. Any dwelling, house, building or other type of flammable construction including but not limited to a wood fence attached to or near any other structure.

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1 I. Unimproved Parcel. A portion of land of any size, the area of which
2 is determined by the Assessor's maps and records and may be
3 identified by an Assessor's Parcel Number upon which no structure
4 is located.

5 Section 3. DUTY TO ABATE HAZARDOUS VEGETATION. Upon receipt
6 of a Notice of Violation and Order to Abate, it shall be the duty of every owner, occupant,
7 and person in control of any unimproved parcel of land or interest therein, which is located
8 in the unincorporated territory of the County of Riverside as that territory is determined
9 and classified by the Board of Supervisors to abate there from, and from all sidewalks and
10 parkways, except for those roads accepted into the County Maintained System, all
11 combustible material and hazardous vegetation, that constitutes a fire hazard which may
12 endanger or damage neighboring property pursuant to the requirements of the Notice of
13 Violation and Order to Abate received. No owner, occupant or person in control of any
14 such unimproved parcel of land or interest therein shall be authorized to abate hazardous
15 vegetation unless the owner, occupant or person has received a Notice of Violation and
16 Order to Abate or alternatively has been issued a grading permit pursuant to the
17 requirements of Ordinance No. 457. The removal of vegetation pursuant to this ordinance
18 shall not exceed that set forth in the Notice of Violation and Order to Abate or grading
19 permit. The Notice of Violation and Order to Abate and any clearance shall conform to
20 Guidelines issued by the County Fire Chief implementing this ordinance, and which the
21 Fire Chief may amend periodically.

22 A. The requirements of this section shall be satisfied if there is cleared
23 pursuant to the requirements set forth in a Notice of Violation and
24 Order to Abate by the method described in said Notice:

- 25 (1) a one hundred (100) foot wide strip of land at the boundary
26 of an unimproved parcel adjacent to a roadway; and/or
27 (2) a one hundred (100) foot wide strip of land around
28 structure(s) located on an adjacent improved parcel (some or

1 all of this clearance may be required on the unimproved
2 parcel depending upon the location of the structure on the
3 improved parcel).

4 The County Fire Chief or his or her designee may require
5 more than a one hundred (100) foot width or less than a one hundred
6 (100) foot width for the protection of public health, safety or welfare
7 or the environment.

8 The determination for appropriate clearance distances will be
9 made based upon a visual inspection of the parcel and shall consider
10 all factors that place the property or adjoining structure(s) at risk
11 from an approaching fire. These factors shall include local weather
12 conditions, fuel type(s), topography, and the environment where the
13 property or adjoining structure(s) is located. Examples of the
14 clearance requirements above are attached hereto as Exhibit "A" for
15 informational purposes only.

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

19 Section 4. ENFORCEMENT, INSPECTION AND AUTHORITY TO ENTER
20 PROPERTY.

- 21 A. For the purpose of enforcing this ordinance, the County Fire Chief
22 may designate any person or persons as his/her deputy in the
23 performance of the duties enjoined upon him/her by this
24 ordinance, in addition to those named in Section 2.D. of this
25 ordinance.
- 26 B. For the purpose of enforcing or administering this ordinance, the
27 County Fire Chief may enter any real property for the purpose of
28 inspecting the property or for summary abatement proceedings

1 whenever the County Fire Chief is informed or has reasonable cause
2 to believe that hazardous vegetation or combustible material exists,
3 constituting a condition dangerous or injurious to the health or
4 welfare of persons or to the public, including the environment, is a
5 public nuisance or is otherwise in violation of this ordinance.

- 6 C. No person shall interfere with the entry of the County Fire Chief
7 acting in the official course and scope of his duty.

8 Section 5. SUMMARY ABATEMENT PROCEEDINGS. In addition to the
9 authority granted by law to the County Fire Chief in exigent situations, and pursuant to
10 California Health and Safety Code §14930 and Government Code §25845, as amended, the
11 County Fire Chief is authorized to enter real property and summarily abate any public
12 nuisance determined by the County Fire Chief to constitute an immediate threat to public
13 health or safety without prior notice or hearing.

14 Section 6. ABATEMENT PROCEEDINGS.

- 15 A. Notice of Violation and Order to Abate. If the County Fire Chief
16 determines that any real property is being maintained or permitted to
17 exist in a manner prohibited by this ordinance, the County Fire
18 Chief shall issue a written notice to the property owner and any
19 known person in possession of the property, of the violation and
20 order the hazardous vegetation or combustible material to be
21 immediately abated. The notice of violation and order to abate
22 (“Notice/Order”) shall specify the corrective actions required to be
23 taken and order the property owners and persons in possession to
24 abate the hazardous vegetation or combustible material within thirty
25 (30) days and state that the failure to bring the real property into
26 compliance with this ordinance could subject the owner or persons
27 in possession to civil, administrative and criminal penalties.
28 Furthermore, the Notice/Order shall provide the property owner and

1 person in possession of the opportunity to appear before the
2 Riverside County Board of Supervisors and be heard prior to the
3 abatement by the County. The failure of the notice to set forth all
4 required contents shall not affect the validity of the abatement
5 proceedings.

6 B. Manner of Giving Notice. The County Fire Chief shall cause a copy
7 of the Notice/Order to be mailed or otherwise delivered to all known
8 persons to be in possession and to the property owner as such
9 person's name and address appears on the last county equalized
10 assessment roll. If the address is unknown, that fact shall be so
11 stated and the notice shall be addressed to the person at the county
12 seat. Service by mail shall be deemed complete at the time of
13 deposit in the US mail. The failure of any person in possession or
14 owner of the property to receive such notice shall not affect the
15 validity of these proceedings.

16 C. Hearing.

17 (1) Request for Hearing. Any person who is adversely affected
18 by the Notice/Order may appeal the Notice/Order by filing a
19 written request for a hearing with the Riverside County
20 Hazard Reduction Office within fifteen (15) calendar days.
21 The request shall be postmarked within fifteen (15) calendar
22 days of the postmark on the Notice/Order. Timely appeal
23 shall stay any further action for abatement until the date set
24 for hearing.

25 If no request for a hearing is timely made, the
26 Riverside County Board of Supervisors herein declares that
27 abatement of the hazardous weeds or combustible material
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1 shall have been deemed ordered by the Board of Supervisors
2 as of the date of the postmark of the Notice/Order.

- 3 (2) Hearing. Upon timely written request by the recipient of the
4 Notice/Order, a hearing shall be scheduled with the
5 Riverside County Board of Supervisors or its designee
6 (hereinafter "Board") with notice thereof mailed or otherwise
7 delivered to the requesting person at least fourteen (14)
8 calendar days before the scheduled hearing. The failure of
9 any owner or occupant to receive such notice shall not affect
10 the validity of the proceedings.

11 At the time fixed in the notice of hearing, the Board
12 shall receive evidence from the County Fire Chief and the
13 owner or person in possession of the real property in
14 violation, or their representatives and any other concerned
15 persons who may desire to present oral or documentary
16 evidence regarding the conditions of the real property or
17 other relevant matter, if such persons are present at the
18 hearing. In conducting the hearing, the Board shall not be
19 limited by the technical rules of evidence. Failure of the
20 owner or person in possession to appear shall not affect the
21 validity of the proceedings or order issued thereon.

22 Upon conclusion of the hearing, the Board shall make
23 its decision and in the event it so concludes, may declare the
24 conditions on the real property to be in violation of this
25 ordinance and to constitute a public nuisance. The Board
26 may direct the owner or person in possession to abate the
27 hazardous vegetation or combustible material within ten (10)
28 days after mailing and posting of the Board's decision. The

1 order shall include notice that if the hazardous vegetation is
2 not abated as directed and within ten (10) days, the County
3 Fire Chief may abate the hazardous vegetation and the
4 abatement costs shall be a lien and an assessment against the
5 real property.

6 The Board may grant any extension of time to abate
7 such conditions that it may deem justifiable upon good cause
8 being shown.

9 D. Abatement of Hazardous Vegetation or Combustible Material by
10 County Fire Chief. If, at the end of the time allowed for compliance
11 in the original Notice/Order issued pursuant to Section 6.A. above,
12 or as set forth in an order issued by the Board after a timely request
13 for a hearing, and compliance has not been accomplished as
14 directed, the County Fire Chief may order the hazardous vegetation
15 or other combustible material to be removed by County fire officials
16 or employees, or may cause the removal to be carried out by a
17 private contractor selected by the County Purchasing Agent in
18 accordance with applicable statutes and in the manner and under the
19 terms specified by the Board of Supervisors.

20 E. Abatement Cost Recovery. As set forth in Government Code
21 Section 25845, the owner and any person in possession of the real
22 property upon which the hazardous vegetation or combustible
23 material is found to exist shall be jointly and severally liable for all
24 abatement costs incurred by the County without any further hearing.

25 F. Notice of Abatement Costs. At the conclusion of the abatement by
26 the County Fire Chief or designee, the County Fire Chief shall issue
27 a bill setting forth the abatement costs to the owner and person in
28 possession of the real property. The bill shall demand payment to

1 the County of Riverside the total abatement costs and administration
2 costs, plus attorneys' fees, if relevant, within fifteen (15) calendar
3 days of its mailing.

4 G. Abatement Costs Specially Assessed Against the Parcel. If the
5 amount set forth in the Notice of Abatement Costs is not paid upon
6 demand by the County, the abatement costs, including attorneys'
7 fees, if applicable, shall be specially assessed against the real
8 property pursuant to Government Code Section 22845, or by any
9 other means provided by law. The assessment may be collected at
10 the same time and in the same manner as ordinary County taxes are
11 collected, and shall be subject to the same penalties and the same
12 procedure of sale in case of delinquency as are ordinary County
13 taxes.

14 H. Notice of Abatement Lien. A Notice of Abatement Lien may be
15 recorded against the real property subject to this abatement
16 proceeding, setting forth the date upon which abatement of the
17 nuisance was ordered either by notice issued by the County Fire
18 Chief or by the Board of Supervisors after a hearing, the date the
19 abatement was complete and the amount of abatement costs.
20 Furthermore, the notice shall identify the parcel address, the record
21 owner, the possessor of the property, if known and applicable,
22 together with the last known address of the record owner or
23 possessor. The abatement lien shall have the same effect as
24 recordation of an abstract of a money judgment pursuant to Article 2
25 of Chapter 2 of Division 2 of Title 9 of Part 2 of the California Code
26 of Civil Procedure (commencing with § 697.310, as amended). The
27 lien has the same priority as a judgment lien on real property and
28 continues in effect until released.

1 I. Attorneys Fees. Reasonable attorneys' fees may be recovered by the
2 prevailing party in any civil action, administrative proceeding or
3 special proceeding established by this ordinance. In the event a
4 hearing is requested pursuant to the notice described above in
5 Section 6 and the Board of Supervisors deems the real property to be
6 a public nuisance and orders the County Fire Chief to abate the
7 hazardous vegetation or combustible material, the County shall be
8 deemed the prevailing party.

9 Section 7. HEARING OFFICIAL.

10 A. Delegation of Authority. The Riverside County Board of
11 Supervisors may delegate its authority to conduct the administrative
12 abatement proceedings set forth in Section 6, above, to either of the
13 following:

14 (1) The County hearing officer appointed by the Board of
15 Supervisors pursuant to Riverside County Ordinance No.
16 643 and Government Code Section 27720, as amended. The
17 hearing officer shall have full authority and duty to preside
18 over hearings in the manner set forth in Riverside County
19 Ordinance No. 643, as amended.

20 (2) A Weed Abatement Hearing Board (WAHB) designated
21 pursuant to Government Code Section 25845, as amended.
22 The WAHB shall have full authority to act and may preside
23 over hearings with the same authority, power and duties of
24 the hearing officer. The WAHB shall be comprised of three
25 (3) persons as follows: one (1) member shall be an officer of
26 the Riverside County Fire Department selected by the
27 County Fire Chief, (but not an employee involved in
28 inspecting or issuing the Notice/Order; and two (2) members

1 shall be selected by the Board of Supervisors. Members
2 shall serve at the pleasure of the appointing entity.

3 B. Recommended Action. At the conclusion of a hearing by either the
4 hearing officer or WAHB, a recommended decision shall be issued
5 to the owner or person in possession of the real property subject to
6 the hearing, and to any other interested person previously requesting
7 notice. The hearing officer or WAHB shall also file the
8 recommended decision with the Board of Supervisors. The
9 recommended decision may alter the Notice/Order in any fashion
10 and may include an order to the owner or person in possession of the
11 real property to abate the hazardous weeds or combustible material
12 within ten (10) calendar days of issuance of the order.

13 C. No Further Appeal. Upon receiving the recommended decision
14 from either the hearing officer or WAHB, the Board of Supervisors
15 may adopt the decision as recommended on the consent agenda at its
16 next regularly scheduled public Board meeting without further
17 notice or hearing, or may set the matter for a de novo hearing before
18 the Board of Supervisors

19 Section 8. OTHER REMEDIES. The provisions of this ordinance are to be
20 construed as an added remedy of abatement and not in derogation of any other civil or
21 criminal actions or proceedings or remedies otherwise provided by law.

22 A. Civil Actions.

23 (1) Injunctive Relief and Abatement. Whenever, in the judgment
24 of the County Fire Chief, any person is engaged in or about
25 to engage in any act or practice which constitutes or will
26 constitute a violation of any provision of this ordinance or
27 notice or order issued pursuant hereto, the County Fire Chief
28 may request the County Counsel or District Attorney to

1 commence proceedings for the abatement, removal,
2 correction and enjoinder thereof, and requiring the violator
3 to pay civil penalties and/or abatement costs or in addition,
4 be subject to criminal prosecution.

- 5 (2) Civil Remedies and Penalties. Any owner or person in
6 possession of real property who willfully violates the
7 provisions of this ordinance or any notice or order issued
8 pursuant hereto shall be liable for a civil penalty not to
9 exceed \$1,000.00 for each day or portion thereof that the
10 violation continues to exist. In determining the amount of the
11 civil penalty to impose, the court shall consider all relevant
12 circumstances, including, but not limited to, the extent of the
13 harm caused by the conduct constituting a violation, the
14 nature and persistence of such conduct, the length of time
15 over which the conduct occurred, the assets, liabilities, and
16 net worth of the violator, whether corporate or individual,
17 and any corrective action taken by the violator.

18 **B. Criminal Actions.**

- 19 (1) It shall be unlawful for any person to violate any provision of
20 this ordinance. Any person violating any provision of this
21 ordinance shall be deemed guilty of an infraction or
22 misdemeanor as hereinafter specified. Such person shall be
23 deemed guilty of a separate offense for each and every day
24 or portion thereof during which any violation of any
25 provision of this ordinance is committed, continued or
26 permitted.
- 27 (2) Any person so convicted shall be guilty of an infraction
28 offense and punished by a fine not exceeding one hundred

1 dollars (\$100) for a first violation; guilty of an infraction
2 offense and punished by a fine not exceeding two hundred
3 dollars (\$200) for a second violation on the same site and
4 perpetrated by the same person. The third and any additional
5 violations on the same site and perpetrated by the same
6 person shall constitute a misdemeanor offense and shall be
7 punishable by a fine not exceeding one thousand dollars
8 (\$1,000) or six months in jail, or both. Payment of any
9 penalty herein shall not relieve a person from the
10 responsibility for correcting the violation. Notwithstanding
11 the above, a first or second offense may be charged as a
12 misdemeanor.

13 C. Treble Damages. Upon a second or subsequent civil or criminal
14 judgment for a violation of this ordinance within a two year period
15 the violator shall be liable to the County of Riverside for treble the
16 abatement costs, in accordance with Government Code § 25845.5.

17 D. Notice of Noncompliance. Whenever a Notice/Order has been
18 issued, the County Fire Chief may record a Notice of
19 Noncompliance with the Office of the County Recorder of Riverside
20 County and shall notify the owner of the property of such action.
21 The Notice of Noncompliance shall describe the property, shall set
22 forth the noncomplying conditions, and shall state that any
23 abatement costs incurred by the County as a result of the violation of
24 this ordinance may be specially assessed as a lien on the property
25 and that the owner has been so notified

26 Section 9. SEVERABILITY. This ordinance and the various parts, sections
27 and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph,
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1 section or clause is adjudged unconstitutional or invalid, the remainder of this ordinance
2 shall not be affected thereby.

3 The County Board of Supervisors hereby declares that it would have passed
4 this ordinance and each part thereof, regardless of the fact that one or more parts thereof be
5 declared unconstitutional or invalid.”

6 Section 2. EFFECTIVE DATE. This amendment shall become effective 30 days after
7 adoption.

8 BOARD OF SUPERVISORS OF THE COUNTY
9 OF RIVERSIDE, STATE OF CALIFORNIA

10 By: _____
11 Chairman

12 ATTEST:

13 CLERK OF THE BOARD

14 By: _____
15 Deputy

16 (SEAL)

17
18
19 APPROVED AS TO FORM

20 May 22, 2009

21
22 By: Katherine A. Lind
23 KATHERINE A. LIND
24 Principal Deputy County Counsel

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27 KWB:mdk
28 05/21/09
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