

ORDINANCE NO. _____

ORDINANCE CREATING MENDOCINO COUNTY CODE CHAPTER 8.77 PROVIDING FOR THE ABATEMENT OF HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL TO REDUCE FIRE HAZARDS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 1. Chapter 77 of Title 8 of the Mendocino County Code is created to read as follows:

Sec. 8.77.010 – Findings and Purpose.

The Board of Supervisors finds that fire disasters in and around the Mendocino County area have increased in recent years. The primary purpose of this chapter is to provide for the removal of hazardous vegetation and combustible material and rubbish from property situated in the unincorporated areas of the County so as to reduce the potential for fire and to promote the public health, safety and welfare of the community. In addition to protecting the safety of County residents, the Board of Supervisor’s finds that the application of this ordinance will also help reduce the risk of wildfires, and therefore help protect the County’s resources and natural environment.

Sec. 8.77.020 – Definitions.

Except as otherwise defined in this section, the definitions of Mendocino County Code Chapters 1.08 and 8.75 shall apply to this Chapter.

- A. “Hazardous Vegetation” means 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 or needles, plants known by fire professional to be highly flammable, tumbleweeds and dead trees. Hazardous Vegetation shall not include rangeland, pastureland, forestland/TPZ and agricultural land, except to the extent that such vegetation impacts the maintenance of defensible space around homes, structures, public and private rights of way, access to roads and along public utility lines, and shall also not include a commercial agriculture crop that is being actively grown and managed by the property owner or ~~his or her~~their legal tenant.
- B. “Combustible Material” means all rubbish, litter or material of any kind, other than hazardous vegetation, that is combustible and endangers public safety by creating a fire hazard. Said material does not include the combustible material used by commercial enterprise licensed and/or certified to work with combustible material so long as said enterprise does so in compliance with any such license and/or certification and other legal requirements.
- C. “Rubbish” includes, but is not limited to, unused or discarded matter or materials such as litter, paper, crates, cartons, containers, barrels, cardboard, grass clippings, tree or shrub trimmings, leaves and needles, bedding, rubber tires, construction waste, discarded or

unused consumer goods, automobile parts, and similar waste materials that by reason of its location, character and accumulated size constitutes a fire hazard, or when dry may constitute a fire hazard.

- D. "Weeds" mean vegetation growing upon streets, sidewalks, or private property in the urbanized portion of the unincorporated territory of Mendocino County which has been zoned for residential districts ~~that bears seeds of a downy or wingy nature;~~ that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire ~~menace~~ hazard to adjacent improved property; ~~that is otherwise noxious or dangerous; that is poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health; or that is dry grass, stubble brush, litter, or other flammable material which endangers the public safety by creating a fire hazard in the urbanized portion of the unincorporated territory of Mendocino County which has been zoned for single and multiple residence purposes.~~

Sec. 8.77.030 - Declaration of Nuisance.

It is a public nuisance for any person owning, leasing, occupying, or having charge of any property within the County to maintain such property in such a manner that contributes to the existence of any Combustible Material or Rubbish, Hazardous Vegetation, or Weeds, which constitutes a fire hazard, as determined by the County Building Official, or authorized designee.

The County Building Official, or authorized designee, may base their declaration of nuisance on one or more factors, including but not limited to the existence of a violation of any applicable regulation or rule designed to reduce the risk of fire by addressing the management of vegetation, rubbish or other material.

Sec. 8.77.040 – Corrective Actions.

After declaring a fire hazard nuisance pursuant to this Chapter, the County Building Official, or authorized designee, may require that the responsible party take corrective action(s) to abate the nuisance and fire hazard. Such actions may include, but are not limited to the following:

- A. Removing hazardous vegetation, combustible material, ~~dirt,~~ weeds, ~~grass, rank growths,~~ rubbish, or other obstructions or materials that are a fire hazard ~~or are dangerous or injurious to neighboring property or to the health or welfare of residents of the vicinity.~~
- B. Taking specific action(s) to come into compliance the regulations and rules that prescribe the maintenance of defensible space around buildings and structures.

Sec. 8.77.050 – Enforcement.

- C. Non-Exclusivity. The enforcement mechanisms in this section are not exclusive or limiting, and may be used alone or in conjunction with other applicable laws.

- D. Administrative Abatement. This Chapter may be enforced by use of the provisions of Chapter 8.75, which provides for the County's nuisance abatement procedures.
- E. Civil Penalty. This Chapter may be enforced by use of the provisions in Chapter 1.08, which provide the procedures to issue administrative citations and penalties, if a violation is found under this section, and pursuant to the following provisions.
 - 1. It is a violation of this County Code for a person to maintain a nuisance declared under this Chapter after notice and an opportunity to correct.
 - 2. Any person that fails to correct the conditions constituting a nuisance pursuant to this code, within the time provided in the notice and order to abate, is subject to administrative penalties pursuant to Chapter 1.08.
 - 3. The provision of any notice of violation required by Mendocino County Code section 1.08.070 may be satisfied by issuance of a notice and order to abate, issued for the purpose of abating a condition declared a nuisance under this Chapter, if the citation and penalty are based on any or all of the conditions called out in a notice and order to abate.
 - 4. The penalty for the first, and each subsequent violation, shall be a fine not to exceed \$1,000.00.
 - 5. Each day a violation exists pursuant to this section constitutes a separate and distinct offence, subject to an additional penalty.

Sec. 8.77.060 – Severability.

The provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be unconstitutional or invalid, the Board declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be unconstitutional or invalid. Such unconstitutionality or invalidity shall therefore not affect the remaining provisions of this Ordinance, or the validity of its application to other persons or circumstances.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this _____ day of _____, 2021~~0~~, by the following roll call vote:

AYES:
 NOES:
 ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS,
County Counsel

~~JOHN HASCHAK~~DAN GJERDE, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy