

ORDINANCE No. 2022-02

AN ORDINANCE OF THE RANCHO SANTA FE FIRE PROTECTION DISTRICT REPEALING ORDINANCE No. 2019-02 AND ENACTING ORDINANCE 2022-02 RELATING TO VEGETATION MANAGEMENT, DEFENSIBLE SPACE, AND DECLARING CERTAIN VEGETATION, AND CERTAIN WASTE MATTER A PUBLIC NUISANCE, AND PROVIDING FOR THE REMOVAL THEREOF.

The Board of Directors of the Rancho Santa Fe Fire Protection District ordains as follows:

Article I. The Rancho Santa Fe Fire Protection District finds and determines that the purpose of this Ordinance is to prohibit the accumulation of combustible vegetation, dead, dying, or diseased trees, green waste, waste matter, and other flammable/combustible materials. The aforementioned materials increase the extreme dangers to the health, welfare, and safety of residents and threaten eminent destruction to property and the environment. This intention of the ordinance is to bolster overall community resilience through increased defensible space for habitable structures and create a defensible area for fire suppression personnel to operate during a wildfire by requiring the abatement of combustible vegetation and materials. The ordinance provides for public nuisance abatement when property owners allow combustible vegetation and other flammable materials to accumulate in violation of this ordinance.

Article II. All parcels in the Rancho Santa Fe Fire Protection District have been identified and designated as either a Moderate, High or Very High Fire Hazard Severity Zone by the Rancho Santa Fe Fire Protection District in accordance with the Fire and Resource Assessment Program (FRAP) Map. The Rancho Santa Fe Fire Protection District is located in a mountainous and/or hilly region of southern California. The Rancho Santa Fe Fire Protection District contains or adjoins forest-covered lands, brush-covered lands, grass covered lands, or other land which is covered with combustible vegetation. All native vegetation within the Rancho Santa Fe Fire Protection District constitutes as a seasonal and recurrent nuisance pursuant to Health and Safety Code, Section 14900.5.

Article III. Catastrophic wildfire events pose a serious threat to the preservation of public peace, health and safety within any wildland urban interface and intermix communities. The proper implementation and enforcement of vegetation management regulations and landscaping requirements have been proven to reduce the impact from destructive wildfires through the mitigation of hazardous fuel conditions around homes and roadways.

Article IV. Over the last two (2) decades, wildfires with extreme fire behavior are occurring more often and growing larger in size. Eighteen (18) of the twenty (20) most destructive wildland fires in the State of California have occurred in the last twenty (20) years. Rancho Santa Fe Fire Protection District in particular has a history of destructive wildfires which have burned within its boundaries. These include the Paint Mountain Fire, Del Dios I and Del Dios II Fires, Harmony Grove Fire, Witch Creek Fire, Coco's Fire, and the Bernardo Fire.

Article V. The enactment of this Ordinance is pursuant to the authority granted under the Health and Safety Code, Sections 13861(h); 13879 and 14875 et seq.; and 14930 as well as authority granted

under the Public Resource Code, Sections 4290 (a) and 4291 (a)-(f) and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2 Article 1 Section 1272.00.

Article VI. Abatement and Management of Certain Vegetation, and Certain Waste Matter.

Section 1. DEFINITIONS.

1.01 COMBUSTIBLE VEGETATION, means any vegetation in its natural state will ignite, burn and transmit fire from native or landscaped plants to any building or other vegetation. Combustible vegetation includes dry grass, brush, weeds, litter, and any vegetation that is dead, dying, or diseased, dead palm fronds (skirts), or other combustible vegetation which creates a fire hazard.

1.02 COMBUSTIBLE MULCH is any layer of material applied to the surface of soil and in its natural state, will ignite, burn and be capable of transmitting fire to the landscape or to any structure. Combustible mulch shall be categorized as:

1.01.1 ORGANIC COMBUSTIBLE MULCH (Least to Greatest Fire Behavior)

- a. COMPOSTED WOOD CHIPS (Least amount of Fire Behavior) – combination of decomposed wood chips and other organic materials which is finely screened to create a product commonly sold commercially as a mulch. Composted Wood Chip Mulch has the least amount of fire behavior in regard to temperature, rate of spread and flame height. (Acceptable in Zones 2 and 3)
- b. WOOD PRODUCTS, BARK AND NUGGET MULCH – fine to coarse organic mulch produced by mechanically grinding, chipping, or shredding trees or pine tree bark. Examples include commonly sold commercially as chipped or shredded wood products, logging waste, bark or wood nuggets, needles, and recycled pallets. (Acceptable in Zone 3)
- c. VEGETATION WASTE MULCH – fine to coarse organic mulch produced by mechanically grinding, chipping or shredding of cut or removed vegetation waste typically created from on-site material such as; brush, leaves, needles, tree branches. (Acceptable in Zone 3)

1.01.2 NON-ORGANIC COMBUSTIBLE MULCH

- a. RUBBER MULCH (Greatest Fire Behavior) – is chipped or shredded mulch created from 100 percent recycled rubber. Rubber mulch demonstrates the ability to generate the greatest fire behavior. The application of rubber mulch is not acceptable in Zones 1 - 3.

EXCEPTION: The application of rubber mulch around a playground structure requires the rubber mulch must be greater than thirty (30) feet away from any habitable structure and not to exceed 200 SQFT in total area.

1.03 DEFENSIBLE SPACE is the area either natural or man-made where materials capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur. Distance

measurements for defensible space shall be measured on a horizontal plane.

1.04 FIRE HAZARD is any condition or conduct which, in the opinion of the Fire Chief or their designee: (a) increases or may increase the threat of fire to a greater degree than customarily recognized as normal by persons in public service regularly engaged in preventing, suppressing or extinguishing fire or; (b) may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

1.05 FUEL MODIFICATION ZONE is a strip of land where COMBUSTIBLE VEGETATION has been thinned, modified or both; and may be partially or totally replaced with approved drought-tolerant, fire-resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. A fuel modification zone reduces radiant and convective heat on a structure and provides a valuable defensible space for fire suppression to make an effective stand against an approaching fire front.

1.06 GREEN WASTE includes, but is not limited to, organic material such as yard trimmings, plant waste, untreated wood wastes, paper products, natural fiber products, mulch, and compost.

1.07 IMPROVEMENT means any building or structure, permanent or temporary, erected for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind located in the unincorporated area of the County of San Diego and shall include agricultural crops. For purposes of this term, "improvement" shall not include fences, similar barriers enclosing, or separating areas of land.

1.08 NOXIOUS WEED shall mean any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, as defined in the California Food and Agricultural Code, Section 5004.

1.09 PARCEL means any contiguous quantity of land in the possession of, owned by, or recorded as the property of, the same person or entity, and which is located in the unincorporated area of the County of San Diego.

1.10 RESPONSIBLE PARTY includes, but is not limited to, any person, firm, partnership, or corporation owning, renting, leasing, or otherwise controlling any parcel located in the unincorporated area of the County of San Diego.

1.11 RUBBISH is waste material including, but not limited to, garbage, wastepaper, and debris from construction or demolition.

1.12 WATERCOURSE is defined as any surface water body in which waters from a tributary drainage area of 100 acres or larger flow in a definite direction or course, either continuously or intermittently, and any area adjacent thereto which is subject to inundation from a 100-year flood. Watercourse includes any arroyo, canal, channel, conduit, creek, culvert, ditch, drain, gully, ravine, reservoir, stream, wash, waterway, or wetland.

Section 2. CERTAIN VEGETATION AND OTHER ITEMS DECLARED A PUBLIC NUISANCE.

2.01 The following are declared to be public nuisances within the areas of the Rancho Santa Fe Fire Protection District and it shall be the responsibility of the owner of the parcel, upon which such nuisance exists, to abate such nuisances at his or her own expense whenever they may exist:

2.01.1 All weeds, combustible vegetation, green waste, rubbish, and other such accumulations of combustible materials that are within one hundred (100) feet of any building or structure designed or intended for occupancy by humans or animals that violate the defensible space requirements of this ordinance.

2.01.2 Any vegetation growing upon the streets, sidewalks or upon private or public property within the Rancho Santa Fe Fire Protection District, which by reason of its size, type, manner of growth, proximity to any building, or improvements, which when dry will with reasonable probability constitute a fire hazard. This vegetation or other items are hereby declared to be a public nuisance and shall be abated to the satisfaction of the Fire Chief or their designee.

Please note: AESTHETICS is not a consideration in determining the presence of a fire hazard.

2.01.3 INVASIVE SPECIES. Any noxious or invasive weed or plant designated by a Federal, State, or County government as injurious to public health, agriculture, recreation, wildlife, or property shall be eradicated on properties in the Rancho Santa Fe Fire Protection District.

Section 3. WASTE MATTER DECLARED A PUBLIC NUISANCE.

3.01 Waste matter as hereinafter defined, which by reason of its location and character would hamper or interfere with the prevention or suppression of fire upon the premises or adjacent premises, or the abatement of a nuisance as defined by the Health and Safety Code, Section 12510, is hereby declared a public nuisance.

Section 4. WASTE MATERIAL.

4.01 WASTE MATERIAL is defined for the purpose of this section as unused or discarded matter having no substantial market value, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view. Examples consist of; rubble, asphalt, dead vegetation stockpiled, mulch piles, garbage and other combustible material.

Section 5. CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES TO CREATE DEFENSIBLE SPACE.

5.01 Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times maintain an effective fuel modification zone/defensible space of one hundred (100) feet from any structure. This one hundred (100) foot defensible space shall be broken down into three (3) distinct zones:

- 5.02 Zone 1: Immediate Zone (0 – 5' feet from a structure):
- 5.02.1 The accumulation of needle and leaf litter shall be removed from roofs, rain gutters, decks, porches, and from the base of the structure's foundation.
 - 5.02.2 For existing landscaping which was District approved and installed before January 1, 2020, the landscape plants shall be fire-resistant (plants which maintain a high-water content), properly irrigated and maintained. Vegetation should not come in contact with the structure. Plant spacing shall be such as not to allow the transfer of fire from plant to plant, or from plant to the structure. Organic combustible mulch may be utilized within this zone, but in no case shall it be closer than twelve (12) inches from any portion of the structure.
 - 5.02.3 Effective January 1, 2020, all new construction or any replacement of landscape installations shall NOT have any organic combustible mulch within five (5) feet from the furthest projection of the structure. Landscaping within Zone 1 is to be fire-resistant (plants which maintain a high-water content), herbaceous plants that are low growing, properly spaced, properly irrigated and maintained. Landscaping shall not come in direct contact with the structure.
 - 5.02.4 Combustible items such as patio furniture, umbrellas, trash receptacles, or other combustible items shall not be stored under decks, exterior stairways and balconies or placed directly adjacent to structures.
 - 5.02.5 Firewood and lumber is not to be stored in Zone 1.
 - 5.02.6 All chimney flues must have an approved spark arrester made of welded or woven wire mesh 12-gauge thickness or greater with openings no greater than ½" inch.
 - 5.02.7 No combustible attachments to a structure are allowed which will transfer flame or heat to the structure such as fences, arbors, awnings, shade sails or other decorative materials. Use of approved non-combustible alternatives are allowed at the discretion of the Rancho Santa Fe Fire Protection District.
 - 5.02.8 Trim and maintain tree canopies a minimum of ten (10) feet away from rooflines and chimney outlets.
- 5.03 Zone 2: Intermediate Zone (6 – 50' feet from a structure):
- 5.03.1 The area from six (6) feet to fifty (50) feet of a building or structure shall be cleared of combustible vegetation. Any weeds or dead grasses shall be cut to a height not to exceed four (4) inches.
 - 5.03.2 All healthy mature trees within Zone 2 shall be limbed up to a minimum height of six (6) feet above the ground. If shrubs are planted underneath the tree, the tree shall be limbed up three (3) times the height of the vegetation under the tree or up to one-third (1/3) of the tree height in order to promote a healthy tree structure and prevent ladder fuels.
 - 5.03.3 If the area in Zone 2 is to be replanted, then the landscaping must be fire-resistant (plants which maintain a high-water content), herbaceous plants that are properly spaced, properly irrigated and maintained in accordance with the Rancho Santa Fe Fire Protection District guidelines. The plant material cannot

form a means of rapidly transmitting fire to any structure.

- 5.03.4 Vegetation within Zone 2 that is dead, dying or diseased is to be removed from the property. This includes pest or pathogen infested vegetation, abandoned/neglected orchards and groves. Palm trees shall be kept free of dead palm fronds to prevent older fronds from developing a “skirt”.
 - 5.03.5 Trim and maintain tree canopies a minimum of ten (10) feet away from rooflines and chimney outlets.
 - 5.03.6 Firewood and lumber shall be stored a minimum of thirty (30) feet from any structure; or thirty (30) feet from the property line if there is an adjacent structure next to the property line. Wood storage piles shall have a minimum clearance of ten (10) feet of bare mineral soil, free of vegetation and other combustible material measured on a horizontal plane.
 - 5.03.7 Organic combustible mulch (1.01.1-a) may be used for landscaping. The depth shall not exceed three (3) inches.
 - 5.03.8 Horizontal spacing between tree canopies drip lines shall be maintained at ten (10) feet for flat areas, twenty (20) feet for moderate sloped areas, and thirty (30) feet for steep sloped areas.
 - 5.03.9 Single specimen trees, ornamental shrubbery or ground covers approved by the Rancho Santa Fe Fire Protection District are permissible provided they are properly spaced, properly irrigated and maintained in accordance with the Rancho Santa Fe Fire Protection District guidelines. The plant material cannot form a means of rapidly transmitting fire to any structure.
- 5.04 Zone 3: Extended Zone (51 – 100’ feet from a structure):
- 5.04.1 Native vegetation may remain in Zone 3 provided the combustible vegetation is modified so to maintain a horizontal spacing of at least three (3) times the height of the combustible vegetation for flat areas, four (4) times the height of the combustible vegetation for moderately sloped areas, and six (6) times the height of combustible vegetation for steep sloped areas. The area must be maintained annually by methods such as mowing, thinning and trimming, or by other means that leave the plant root structure intact to stabilize the soil. Any weeds or dead grasses shall be cut to a height not to exceed four (4) inches.
 - 5.04.2 If the area in Zone 3 is to be replanted, then the landscaping must be fire-resistant (plants which maintain a high-water content), herbaceous plants that are properly spaced, properly irrigated and maintained in accordance with the Rancho Santa Fe Fire Protection District guidelines.
 - 5.04.3 Vegetation within Zone 3 that is dead, dying or diseased is to be removed from the property. This includes pest or pathogen infested vegetation, abandoned/neglected orchards and groves. Palm trees shall be free of dead palm fronds to prevent older fronds from developing a “skirt”.
 - 5.04.4 All healthy mature trees within Zone 3 shall be limbed up to a minimum height of six (6) feet above the ground. If shrubs are planted underneath the tree, the tree

shall be limbed up three (3) times the height of the materials planted under the tree or up to one-third (1/3) of the tree height in order to promote a healthy tree structure and prevent ladder fuels.

5.04.5 Horizontal spacing between tree canopy drip lines shall be maintained at ten (10) feet for flat areas, twenty (20) feet for moderate sloped areas, and thirty (30) feet for steep sloped areas.

5.04.6 Organic combustible mulch (1.01.1-a, b, c) may be used for landscaping. The depth shall not exceed three (3) inches.

5.04.7 Single specimen trees, ornamental shrubbery or ground covers approved by the Rancho Santa Fe Fire Protection District are permissible provided they are properly spaced, properly irrigated and maintained in accordance with the Rancho Santa Fe Fire Protection District guidelines. The plant material cannot form a means of rapidly transmitting fire to any structure.

Section 6. OTHER DEFENSIBLE SPACE REQUIREMENTS AND FIRE SAFETY ITEMS.

6.01 Liquid Propane Gas tanks shall have a minimum perimeter clearance of ten (10) feet of bare mineral soil clearance, free of vegetation or other combustible material measured on a horizontal plane.

6.02 For private residential or agricultural (less than ten (10) acres in size) photovoltaic or solar arrays shall have all combustible vegetation reduced to a height no greater than six (6) inches and a minimum perimeter clearance of ten (10) feet of combustible materials measured on a horizontal plane.

6.03 Addresses shall be displayed (4" minimum size) in contrasting colors and must be readable from the street or access road. Vegetation growing over, on or in front of an address posting shall be pruned or cut back to maintain visibility.

6.04 Leaf Litter under a well maintained, healthy and limbed up forest or woodland area shall be maintained to a depth no greater than three (3) inches within Zones 2 and 3.

6.05 Non-organic combustible mulch (1.01.2-a) shall not be utilized as a landscaping mulch within Zones 1 – 3. Exception: Rubber mulch may be used in a limited capacity around playground structures and shall be a minimum of thirty (30) feet away from any habitual structure and does not exceed more than 200 sq. ft. in total area.

6.06 Provisions of this ordinance are not intended to conflict with specific fire management and fuel modification plans for master planned communities. If such a conflict occurs, the more restrictive provision shall apply.

6.07 Provisions of this ordinance are not intended to conflict with any Federal or State requirements which may limit vegetation removal in recognizable biological open space zones or vernal pools.

6.08 Provisions of this ordinance are not intended to conflict with regulations of the California Department of Fish and Game or U.S. Fish and Wildlife Service concerning the occurrence of rare, threatened, or endangered species. Landowners who have received a notice regarding their property in areas subject to fuel break clearance within biological open space shall notify both agencies in writing at least ten (10) days prior to vegetation clearing. The agencies will have up to ten (10) days following such notification to; (1) determine whether the proposed clearing complies with State and/or Federal endangered species requirements and (2) to suggest voluntary, alternative abatement measures if feasible and warranted. Failure of the agencies to respond within ten (10) days will allow the landowner to proceed with abatement activities without further delay. Failure by landowners to provide adequate notification as described above may render landowners liable under State and Federal law.

Section 7. INCREASED DEFENSIBLE SPACE MORE THAN 100 FEET FROM STRUCTURES.

7.01 The Fire Chief or their designee may require an increase of defensible space due to topographical or geographical concerns. If required parcels are to maintain a defensible space clearance greater than the required one hundred (100) feet to all habitable structures, a written order shall be issued when this increased defensible space requirement will be required.

7.02 Hazardous conditions outside of the one hundred (100) feet of structures, where the accumulation of combustible vegetation or materials, when deemed hazardous due to the composition, arrangement, or unsafe state of accumulation, such as dead palm tree fronds (skirts), shall be abated when located on public or private property. The hazardous condition when located outside the one hundred (100) feet from structures or twenty (20) feet of roadways, shall be properly documented and deemed a community risk in need of abatement by the Fire Chief or their designee. The partial clearing of weed or dry grasses on a large vacant parcel(s) must be approved in writing by the Fire Chief or their designee. Partial clearings shall not be acceptable without such written agreement. Partial clearing agreements are good only for one year as vegetation growth can vary from year to year.

Section 8. DEFENSIBLE SPACE ALONG PROPERTY LINES.

8.01 No responsible party shall permit on a parcel (with the exception of firewood, Section 5) any accumulation of combustible vegetation, dead, dying or diseased trees, green waste, waste matter, or other flammable/combustible materials within fifty (50) feet of the property line when such accumulation endangers or encroaches on the required Defensible Space for improvements on an adjacent property. The Fire Chief or their designee may require a distance greater than fifty (50) feet but not to exceed one hundred (100) feet when it is determined that the greater distance is necessary to provide Defensible Space for improvements on an adjacent property.

Section 9. VACANT PARCELS.

9.01 Dry grass and weeds on vacant parcels shall be mowed in entirety to a stubble height of no more than four (4) inches. Dead/dying trees, litter, and any accumulation of "waste materials" shall be removed. On vacant parcels, roadway clearance shall be maintained as defined in Section 10.

9.01.1 EXCEPTION: On larger parcels, as determined by the Fire Chief or their designee, partial clearing may be acceptable, depending on circumstance. Those properties approved for partial clearing are to maintain one hundred (100) feet of defensible

space to any structure, neighboring or on site. The entire lot with approval of the Fire Chief or their designee may not need to be cleared in its entirety but shall be a minimum of one hundred (100) feet of clearance around the perimeter of the property if deemed a fire hazard, and a minimum of twenty (20) feet clearance along existing roads and driveways.

Section 10. CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM ROADWAYS.

10.01 The Fire Chief or their designee is authorized to have the area within twenty (20) feet on each side of the highways, roads, private streets, and driveways to be cleared of combustible vegetation. Vegetation shall comply with the requirements of the fuel modification zone. Any weeds or dead grasses shall be cut to a height not to exceed four (4) inches. Vegetation shall not protrude into the roadway and shall have a minimum of thirteen (13) feet and six (6) inches vertical clearance free of vegetation. The Fire Chief or their designee are authorized to enter upon private property to ensure the fuel modification zone requirements are met.

10.02.1 EXCEPTION (1): Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers, provided, that they do not form a means of readily transmitting fire as deemed by the Rancho Santa Fe Fire Protection District.

10.02.2 EXCEPTION (2): Specific areas or developments with fire management plans may require up to thirty (30) feet of roadway clearance dependent on site approval conditioning.

10.02.3 EXCEPTION (3): For severe fire hazard areas and evacuation routes, the Fire Chief or their designee is authorized to require thirty (30) feet of roadway clearance of combustible vegetation and other flammable materials. The roadway shall be compliant with the requirements of the fuel modification zone.

Section 11. ORCHARDS, GROVES OR VINEYARDS.

11.01 All orchards, groves and vineyards shall be kept in a healthy state and maintained as described below. A ten (10) foot perimeter firebreak shall be cleared between any orchard, grove and vineyard and the surrounding native vegetation or ornamental landscaping. Orchards/vineyards shall be kept free of dead and dying trees or vines, combustible debris, and dead foliage. All dead grasses between rows of trees or vines shall either be mowed to a height of four (4) inches or disked to bare soil unless erosion is a factor. Mulch shall not be placed over bare soil without approval from the Rancho Santa Fe Fire Protection District.

Section 12. GRADING.

12.01 The provisions of this chapter shall not be construed to authorize grading which does not comply with the San Diego County regulations regarding grading, clearing and watercourses found within the San Diego County Code of Regulatory Ordinances, Title 8, Division 7.

Section 13. NOTICE TO ABATE HAZARD.

13.01 If it is determined that a public nuisance or fire hazard as herein defined exists on any lot

or premise, or upon any sidewalk, parking lot, parking area or adjacent to such lot or premise, the Fire Chief or their designee will cause a notice to be issued to abate such nuisances.

13.02 Such notice will be headed: "NOTICE TO ABATE HAZARD" which shall, in legible characters, direct the abatement of the nuisance or fire hazard and refer to this article and section for particulars. Notice to Abate Hazard served by means other than posting as provided by this article will contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance.

Section 14. SERVICE OF NOTICE TO ABATE HAZARD.

14.01 The notice required by the Health and Safety Code, § 14875-14922 may be served in any of the following manners:

- 14.01.1 By in-person service on the owner, occupant or person in charge or control of the property.
- 14.01.2 By regular first-class postage prepaid mail addressed to the owner or person in charge and control of the property, at the address shown on the last available assessment roll, or as otherwise known.
- 14.01.3 By posting in a conspicuous place on the land or adjacent public right of way a notice in conformance with the Health and Safety Code, Section 14891 and similar to Section 14892, not more than one hundred (100) feet in distance apart, along such right of way with at least one notice posted on each lot or parcel.
- 14.01.4 It is the sole responsibility of the parcel or property owner to ensure the address with the County of San Diego Tax Assessor is current and valid. Mailings returned for insufficient or invalid addressing shall be considered a valid attempt to notify.

Section 15. APPEAL RIGHT TO BOARD OF DIRECTORS.

15.01 Within ten (10) days from the date of posting, mailing or personal service of the required notice, the owner or person occupying or controlling such lots or premise affected may appeal to the Rancho Santa Fe Fire Protection District Board of Directors. Such appeal will be in writing and will be filed with the Board Clerk. At the regular, special, or adjourned meeting of the Board of Directors, not less than five (5) days nor more than thirty (30) days thereafter, it will proceed to hear and pass upon such appeal, and the decision of the Board of Directors thereupon will be final and conclusive.

Section 16. TIME LIMIT FOR REMOVAL OF NUISANCE.

16.01 It will be the duty of the owner, the agent of the owner, or the person in possession of any lot or premise within the Rancho Santa Fe Fire Protection District to abate the nuisance or fire hazard as stated within fifteen (15) days from the date of notification as provided herein, or in case of an appeal to the Board of Directors, within ten (10) days from the determination thereof, unless the same is sustained.

Section 17. ABATEMENT OF NUISANCE BY FIRE CHIEF.

17.01 If the owner fails or neglects to abate the nuisance as herein defined, within the time specified in the article, the Fire Chief or their designee of the Fire District may cause such nuisances or fire

hazard to be abated. Private contractors may do the abatement work. A report of the proceedings and an accurate account of the cost to abate the nuisance or fire hazard on each separate property will be retained and filed at District's Administrative Offices.

Section 18. EXPENSE OF ABATEMENT REPORT AND HEARING.

18.01 The Accounting Department of the Rancho Santa Fe Fire Protection District will keep an account for the costs of abatement plus an administrative fee for each parcel abated as defined in the Fees for Service ordinance. A written itemized Abatement Report showing the cost of removal and abatement of hazards shall be prepared for the Board's approval. At least three (3) days prior to the date of the hearing a copy of the report will be posted in a public place at the offices of the Rancho Santa Fe Fire Protection District, showing the date and time of the hearing. A copy of the report and notice of hearing date will be sent to the last known owner of the parcel as listed in the San Diego County Assessor's Office. Costs for abatement shall include any and all administrative costs including, but not limited to, cost of mailing, Fire District's personnel time, computer retrieval, plus contractor's abatement costs.

Section 19. GOVERNMENT CODE PROVISIONS ADOPTED AND COLLECTION ASSESSMENTS.

19.01 The provisions of the Government Code, Sections 39580 through 39586 and Health and Safety Code, Section 14912 of the of the State of California incorporated by reference and are made a part of this Ordinance. The San Diego County Auditor & Controller shall enter each assessment in the County Tax Roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary, municipal taxes, and if delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale as provided for ordinary municipal taxes. The Rancho Santa Fe Fire Protection District may force abate the problem on behalf of the landowner. Upon said forced abatement, the Rancho Santa Fe Fire Protection District may assess all related costs for cost recovery. Upon completion of the work, the Rancho Santa Fe Fire Protection District may lien the property as described in the prior paragraph or assigns their interest to a private corporation as payment for the work provided. The assignee of said claim shall be authorized to sue for collection of money due. Upon collection on said lawsuit, the Rancho Santa Fe Fire Protection District shall receive the first monies up to what is owed to the Rancho Santa Fe Fire Protection District for services performed, after the Rancho Santa Fe Fire Protection District has been satisfied, the collection facility shall be paid for their work and then the assignees shall be paid. The San Diego County Auditor shall enter each assessment in the San Diego County Tax Roll opposite the parcel of land. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale as is provided for ordinary municipal taxes.

Section 20. VIOLATION.

20.01 The owner, occupant, or agent of any lot or premise within the Rancho Santa Fe Fire Protection District who will permit or allow the existence of a public nuisance as defined in this Ordinance, upon any lot or premise owned, occupied, or controlled by him or her, or who shall violate any of the provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than seven-hundred and ninety four dollars (\$794.00), or to imprisonment

for a period not exceeding six (6) months or both.

Section 21. VALIDITY.

21.01 The Board of Directors hereby declares that should any section, paragraph, sentence or word of this Ordinance or the Codes or Ordinances referenced herein be declared for any reason to be invalid, it is the intent of this Board that it would have adopted all other portions of this Ordinance independent of the eliminations from any such portion as may be declared invalid.

Section 22. DATE OF EFFECT.

22.01 The Secretary to the Board of Directors will certify to the adoption of this Ordinance and cause the same to be published in the manner required by law. This Ordinance will take effect thirty (30) days after its final passage at a public hearing as required by law, thus repealing Ordinance No. 2019-02.

First Read at a regular meeting of the Board of Directors of the Rancho Santa Fe Fire Protection District of the County of San Diego, California, on the 17th day of November, 2021. A public hearing was held on December 15, 2021 and said Ordinance was adopted and ordered published in the manner required by law at their regular meeting on the 15th day of December, 2021 by the following roll call vote:

AYES: Ashcraft, Hillgren, Malin, Stine, Tanner
NOES: None
ABSENT: None
ABSTAIN: None


James H. Ashcraft
President

ATTEST:



Alicea Caccavo
Board Clerk