

**ORDINANCE NO. 695
(AS AMENDED THROUGH 695.3)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 695
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
- F. It is the purpose of the this ordinance to establish a hazardous vegetation abatement program that protects the lives and property of the citizens of Riverside County while at the same time protecting rare and sensitive plant and animal species and the environment.

Section 2. DEFINITIONS.

- A. 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.
- B. County Fire Chief – The Fire Chief of the County of Riverside or his or her authorized representative.
- C. 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 and tumbleweeds.

- D. 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.
- E. 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.
- F. Unimproved 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 no structure is located.

Section 3. DUTY TO ABATE HAZARDOUS VEGETATION. It shall be the duty of every owner, occupant, and person in control of any unimproved parcel of land or interest therein, which is located in the unincorporated territory of the County of Riverside as that territory is determined and classified by the Board of Supervisors to abate therefrom, and from all sidewalks and parkways, except for those roads accepted into the County Maintained System, all combustible material and hazardous vegetation, that constitutes a fire hazard which may endanger or damage neighboring property.

- A. The requirements of this section shall be satisfied if there is cleared pursuant to a Notice to Abate by disking, mowing or any other method described in said Notice:
 - (1) a one hundred (100) foot wide strip of land at the boundary of an unimproved parcels adjacent to a roadway; and/or
 - (2) a one hundred (100) foot wide strip of land around structure(s) located on an adjacent improved parcel (some or all of this clearance may be required on the unimproved parcel depending upon the location of the structure on the improved parcel).

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

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

Section 4. ENFORCEMENT. For the purpose of enforcing this ordinance, the County Fire Chief may designate any person or persons as his/her deputy in the performance of the duties enjoined upon him/her by this ordinance. In addition, each of the following officers within the County of Riverside is hereby designated to perform the same duties within the territory of the political subdivision which he/she serves (and whenever the term “County Fire Chief” is

used hereinafter, the following officers are included in the meaning of such word, except that the County Fire Chief, himself/herself, shall coordinate all such officers in the performance of these duties):

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

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

Section 6. APPEALS.

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

Section 7. REMOVAL OF HAZARDOUS VEGETATION BY PUBLIC OFFICER OR BY PRIVATE CONTRACTOR AND ESTABLISHMENT OF COSTS AND ADMINISTRATIVE FEE. If, at the end of the time allowed for compliance in the original notice, or as extended in cases of appeal, or as specified by the Board of Appeals, compliance has not been accomplished, the officer issuing the Notice or the agency of which he is an officer, may order hazardous vegetation or other combustible material, to be removed by public officers or by employees of said agency, or may cause the removal to be carried out by a private contractor selected by the County Purchasing Agent in accordance with applicable statutes and in the manner and under the terms specified by the Board of Supervisors. The cost of such removal accompanied by a reasonable

administrative charge may be imposed as a Special Assessment upon the property, and such property shall be subject to a Special Assessment Lien for said purpose. The costs so assessed shall be limited to the actual costs incurred by the County of Riverside in enforcing abatement upon the parcels, including payment to the contractor, costs of investigation, boundary determination, measurement, clerical, personnel, consultant, and an administrative cost to be set by Resolution adopted by the Board of Supervisors on those parcels where such weeds have not been removed by the property owner at his or her own expense.

Section 8. PAYMENT FOR ABATEMENT.

- A. Procedure for Payment. When said abatement has been completed, the agency or officer so causing the same to be accomplished shall render to the County Auditor-Controller, an itemized statement covering the costs of the work necessary for such abatement. The County Auditor-Controller shall pay the same from the funds of the agency or officer causing said work to be done. The Auditor-Controller shall thereafter cause the charged amount to be entered upon the property from which abatement was accomplished as a Special Assessment which shall be included in the next succeeding tax statement. Thereafter, the amounts of the assessment shall be collected at the same time, and in the same manner, as County taxes are collected, and shall be subject to the same penalties and the same procedure for sale, and in the case of delinquency, as provided for ordinary County taxes, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien, which would otherwise be imposed by this section, will not attach to such real property and the costs of abatement, shall be transferred to the unsecured roll for collection.
- B. Appeals. A person may appeal the assessed charges to the Board of Appeals, by following the appeal procedure provided in Section 6 and thereafter, to the Board of Supervisors. Any appeal to the board of Supervisors from the decision of the Board of Appeals, must be filed with the Clerk of the Board of Supervisors within fifteen (15) days from the date of postmark of the mailed decision of the Board of Appeals. Such appeal must be in writing and must specify wherein the Appeals Board erred.
- C. Cancellation of Claim. All or any portion of any such Special Assessment, penalty or costs heretofore entered, shall, on order of the board of Appeals or the Board of Supervisors, be canceled by the County Auditor-Controller if uncollected, or, except in the case provided for in Section 7, refunded by the County Treasurer-Tax Collector, if collected, if the charges were charged or paid:
- (1) More than once;
 - (2) Through clerical error;
 - (3) Through the error or mistake of the Board of Appeals, or of the officer, Board or Commission designated by them to give notice, in

respect to any material fact, including the case where the cost report rendered and confirmed, as hereinbefore provided, shows the County abated the weeds but such is not the actual fact;

- (4) Illegally; or
- (5) On property acquired after the lien date by the State of California, or by any county, city, school district, special district, or other political subdivision, and because of this public ownership, is not subject to sale for delinquent taxes.

The Fire Chief or his/her designee shall have the authority to execute any document that may be required to release or extinguish an assessment or charge that has been recorded against a parcel.

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

- (1) Verified by the person who paid the Special Assessment, his/her guardian, conservator, executor or administrator; and
- (2) Filed within one (1) year after making the payment sought to be refunded.

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

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

Section 11. AUTHORITY TO PROMULGATE REASONABLE RULES AND REGULATIONS. The Board of Supervisors hereby reserves its right to adopt reasonable rules, regulations, and resolutions consistent with this ordinance to enforce, interpret, and carry out the provisions of this ordinance. Such rules may vary among different areas within the County.

Section 2. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 695 Item 10.7 of 10/16/1990 (Eff: 11/15/1990)

Amended: 695.1 Item 3.7 of 04/08/1997 (Eff: 05/08/1997)

695.2 Item 3.33 of 07/02/2002 (Eff. Immediately)

695.3 Item 3.10 of 03/20/2007 (Eff: 04/19/2007)