

EL DORADO HILLS COUNTY WATER DISTRICT
EL DORADO HILLS FIRE DEPARTMENT
ORDINANCE NO. 2023-01

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE EL DORADO HILLS
COUNTY WATER DISTRICT AS FOLLOWS:

**AN ORDINANCE OF THE EL DORADO HILLS COUNTY WATER DISTRICT RELATED TO
HAZARDOUS VEGETATION MANAGEMENT ON UNIMPROVED PARCELS, AND
DECLARING CERTAIN HAZAROUS VEGETATION AND COMBUSTIBLE MATERIALS A
PUBLIC NUISANCE, AND PROVIDING FOR THE REMOVAL THEREOF.**

Be it ORDAINED by the Board of Directors of the El Dorado Hills County Water District (EDHCWD),
also known as the El Dorado Hills Fire Department:

- Section 1: **FINDINGS OF FACTS**
- Section 2: **APPLICATION OF ORDINANCE**
- Section 3: **DEFINITIONS**
- Section 4: **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
- Section 5: **CLEARANCE OF HAZARDOUS VEGETATION ON UNIMPROVED PARCELS**
- Section 6: **ACCEPTABLE METHODS OF CLEARANCE**
- Section 7: **DUTY TO ABATE HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL**
- Section 8: **CORRECTIVE ACTIONS**
- Section 9: **INSPECTIONS BY THE EL DORADO HILLS FIRE DEPARTMENT**
- Section 10: **REOCCURRING FIRE HAZARD**
- Section 11: **PENALTIES**
- Section 12: **ABATEMENT OF NUISANCE BY FIRE CODE OFFICIAL**
- Section 13: **ABATEMENT PROCEDURES**
- Section 14: **REAL ESTATE TRANSACTIONS**
- Section 15: **CONFLICT**
- Section 16: **SEVERABILITY**
- Section 17: **EFFECTIVE DATE AND PUBLICATION**

SECTION 1: **FINDINGS OF FACTS**

- 1.1 The El Dorado Hills County Water District (EDHCWD), also known as the El Dorado Hills Fire Department, is an independent water district established under Division 12, Part 2, Article 7, Section 31120¹ of the State Water Code; and
- 1.2 It is the intent of the Governing Board of EDHCWD that this Ordinance shall apply to an annual program for the Abatement of the growth and/or accumulation of weeds, grasses, shrubs, dormant brush, slash, tree limbs, hazardous vegetation and combustible materials on all designated Unimproved Parcels within the EDHCWD and maintenance of those parcels to prevent vegetation from growing back; and
- 1.3 All parcels within the EDHCWD have been identified and designated as being within either a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Moderate, High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE) in accordance with the Fire and Resource Assessment Program (FRAP) Map; and
- 1.4 During the fire season, the EDHCWD generally has a dry, arid climate conducive to wildfires. EDHCWD has a very diverse and complex landscape, which includes dry, brush-covered, and grass-covered wildlands, mountainous areas, and other terrains which are home to many sensitive plant and animal species. Many of the EDHCWD's native and non-native plant species can be highly combustible during normal dry periods and have contributed to significant wildfires within the EDHCWD. Difficult topography, terrain, and weather conditions exacerbate the fire danger and the difficulty of fighting wildfires, and have resulted in catastrophic fire losses to life, property, and the environment; and
- 1.5 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 hazardous fuel 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; and
- 1.6 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 between 2002-2022. The County of El Dorado has a history of destructive wildfires which have burned within its boundaries. These include the 2007 Angora Fire, 2014 King Fire,

¹ A district may exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

2021 Caldor Fire and the 2022 Mosquito Fire. Climate change stressors, such as increased average air temperature, precipitation variability, reduced snowpack, drought and tree mortality, will lead to an increased frequency of large wildfires that will create adverse impacts on local communities in the County of El Dorado, including both El Dorado Hills and Latrobe; and

- 1.7 Of paramount importance to the Governing Board of EDHCWD and the citizens of El Dorado Hills and Latrobe are the protection of lives and structures from the threat of wildfire, and the safety of public safety personnel during wildfires. The proper maintenance of defensible space on Unimproved Parcels benefits property owners, public safety personnel, and all citizens of both El Dorado Hills and Latrobe by dramatically increasing the likelihood that structures will survive a wildfire, provides for firefighter safety during a wildfire, and generally aids in the protection of lives, property, and the environment; and
- 1.8 The Governing Board of EDHCWD finds and declares that the uncontrolled growth and/or accumulation of weeds, grasses, hazardous vegetation and combustible materials or obstructions on sidewalks, streets, and on lands or lots within the EDHCWD is dangerous or injurious to neighboring property and the health, safety, and welfare of residents of the EDHCWD. Such growth and accumulation constitute a public nuisance in that it creates fire hazards, reduces the value of private property, promotes blight and deterioration, invites plundering, constitutes an unattractive nuisance, and creates a hazard to the health, safety, and general welfare of the public; and
- 1.9 The purpose of this Ordinance is to provide for the removal of hazardous vegetation and combustible material from around the exterior of improvements situated in the jurisdiction of the EDHCWD to reduce the potential for fire and to promote the public health, safety, and welfare of the community. It is the further purpose of this Ordinance to establish a hazardous vegetation reduction program that provides a process to identify and abate hazardous vegetation on parcels and protect the lives and property of the citizens of the EDHCWD, while at the same time protecting sensitive plant and animal species and protecting against significant erosion and sedimentation. The removal of hazardous vegetation in the areas subject to this Ordinance is recognized as an essential action homeowners and property owners can take to increase the chances that homes, structures and other property will survive a wildfire, while protecting the natural environment. Regular fuels management and modifications consistent with the requirements of this Ordinance is necessary to ensure adequate defensible space is achieved; and
- 1.10 The defensible space required by this Ordinance is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structures, and there is no other feasible

mitigation measure possible to reduce the risk of ignition or spread of wildfire to structures on adjacent improved parcels.

SECTION 2: APPLICATION OF ORDINANCE

- 2.1 This Ordinance is enacted pursuant to the powers granted to EDHCWD concerning the abatement of hazardous vegetation and combustible material as contained within California Health & Safety Code (HSC) Sections 13861(h), 13879 and 14875 et seq., and 14930 as well as authority granted under El Dorado County Codes & Ordinances (EDCC) Chapter 8.09, California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299.01 to .05, California Code of Regulations Title 19 §3.07 and California Code of Regulations Title 24, Part 9 (California Fire Code) Chapter 49, as amended. Additional authority for the abatement of nuisances, establishment of procedures, and establishment of real property lines through EDHCWD is provided in *applicable governing codes and regulations of the State of California*.
- 2.2 This Ordinance applies to Unimproved Properties regardless of size. The abatement of Hazardous Vegetation posing a Fire Hazard in the community shall occur in accordance with the regulations described in this Ordinance by no later than May 1st each year unless otherwise directed by the Fire Code Official. It shall be the duty of every owner, occupant, and person in control of an Unimproved Parcel of land or having an interest therein, to abate therefrom, and from all Unimproved Parcels of land, all Hazardous Vegetation, that constitutes a Fire Hazard and public nuisance which may endanger or damage neighboring property or forestland.

SECTION 3: DEFINITIONS

As used in this Ordinance, the following definitions shall apply:

- 3.1 **Abate or Abatement** means an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.
- 3.2 **Abatement Costs** means all costs incurred by the EDHCWD to enforce this ordinance and to abate the hazardous vegetation or combustible material on any property pursuant to this Article, including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding(s), including attorney's fees, if applicable.
- 3.3 **Biomass** means all green waste material generated during a fuel treatment project. Biomass includes, without limitation, all grass, weeds, vegetation, and tree trimmings.
- 3.4 **Board** means the Governing Board for the El Dorado Hills County Water District.

- 3.5 **California Fire Code (CFC)** means code provisions found within California Code of Regulations Title 24, Part 9, as amended locally by EDHCWD.
- 3.6 **Citation or Administrative Citation** means a civil citation issued pursuant to the Ordinance stating there has been a violation of one or more provisions and setting the amount of the civil penalty to be paid by the responsible party.
- 3.7 **Combustible Material** means all rubbish, litter, or material of any kind other than hazardous vegetation that is combustible and endangers the public safety by creating a fire hazard.
- 3.8 **Days** means calendar days.
- 3.9 **Defensible Space** means that area described in California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299.02, Government Code 51182, Public Resources Code Section 4291, El Dorado County Codes & Ordinances Chapter 8.09 and as otherwise described in this Code, which is adjacent to each side of a building or Structure and must be cleared of Hazardous Vegetation, or Combustible Material, as set forth in this Ordinance.
- 3.10 **EDHCWD** means the El Dorado Hills County Water District of El Dorado County, a political subdivision of the State of California.
- 3.11 **Fire Code Official** means the fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.
- 3.12 **Fire Hazard** means any condition, arrangement, act, or omission which:
- 3.12.1 Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire; or
- 3.12.2 May obstruct, delay, hinder, or interfere with the operations of a fire department or the egress of occupants in the event of fire.
- 3.13 **Fire Safe Plan** means a document prepared for a specific project or development proposed for a Wildland-Urban Interface (WUI) Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.
- 3.14 **Hazardous Vegetation** means any vegetation that is combustible and endangers the public safety by creating a fire hazard. Hazardous Vegetation includes material that in its natural state will readily ignite, burn, and transmit fire from native or landscape plants to any structure or other vegetation. Hazardous Vegetation includes, but is not limited to, dry grass and leaves, brush, weeds, green waste, dead or dying trees, low-hanging branches, litter, or other flammable vegetation that can create a Fire Hazard. Hazardous Vegetation shall not include a commercial agricultural crop that is being actively grown and managed by the property owner or his or her legal tenant.

- 3.15 **Heritage Tree** means any mature tree or mature stand of trees designated by the County of El Dorado as having historic or cultural significance.
- 3.16 **Improved Parcel.** Means a portion of real property of any size which is located in an area primarily intended for residential uses, the area of which is determined by the assessor's maps and records, and which may be identified by an Assessor's Parcel Number, upon which a structure is located.
- 3.17 **Ladder Fuels** means fuels that can carry a fire vertically between or within Combustible Material or Hazardous Vegetation.
- 3.18 **Parcel** means a portion of real property of any size, the area of which is determined by the Assessor's maps and records, and which may be identified by an Assessor's Parcel Number.
- 3.19 **Real Estate Transaction** means the transfer of real property between individuals or entities.
- 3.20 **Responsible Person(s)** means an owner, tenant, occupant, lessor, manager, licensee, political subdivision, local government agency, municipality, or other person having control over a Structure or parcel of land or, to the fullest extent allowed by law, the parent or legal guardian of any person under 18 years who have done any act for which a penalty may be imposed under this Ordinance, or any other person required to comply with the provisions of the Ordinance and, any other lien holder, secured party, or other person who has properly recorded a security interest or other appropriate document evidencing an interest in the property, which has been recorded in the official records of the County.
- 3.21 **Roadway.** means a road or roadway that is any County street or road, other public road or alley, or private thoroughfare at least ten (10) feet wide that is ordinarily used for vehicular travel, open to public travel, and connects with a County road, state highway, other public road, private road or an alley which affords primary access to an abutting lot. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, and access roadway.
- 3.22 **Rubbish** includes, but is not limited to, non-putrescible Wastes, such as paper, cardboard, grass clippings, tree, or shrub trimmings, leaves and needles, wood chips used in landscaping or within five feet of a Structure, bedding, crockery, rubber tires, construction Waste and similar Waste materials.
- 3.23 **Slash** means the woody debris remaining on the ground after fuels management work: Slash includes, but is not limited to, treetops, branches, bark, chunks, cull logs, uprooted stumps, and uprooted trees.
- 3.24 **Softwood** means the wood from a conifer (such as pine, cedar, fir, or spruce) as distinguished from that of broadleaved trees.

- 3.25 **Structure** means any dwelling, house, building, or other type of combustible construction, whether or not occupied, including but not limited to a wood fence located within the Defensible Space of any other Structure.
- 3.26 **Unimproved Parcel** means 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 (APN) upon which no Structure is located.
- 3.27 **Vegetation** means plants considered collectively, especially those found in a particular area or habitat. For the purposes of this Ordinance any tree less than six inches in diameter is considered Vegetation.
- 3.28 **Waste** means all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including residential, commercial, and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, construction, and demolition debris, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid wastes and semisolid wastes.
- 3.29 **Weeds** means Vegetation growing upon streets, sidewalks, or private property, including any of the following types:
- 3.29.1 Weeds which bear seeds of a downy or wingy nature.
 - 3.29.2 Sagebrush, chaparral, and any other brush or weed which attains such large growth as to become, when dry, a fire menace to adjacent improved property.
 - 3.29.3 Weeds which are otherwise noxious or dangerous.
 - 3.29.4 Poison oak or poison ivy when the conditions constitute a menace to public health.
 - 3.29.5 Dry grass, stubble, brush, litter, or other flammable materials which endanger public safety by creating a fire hazard.
 - 3.29.6 Vegetation that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent property.
- 3.30 **Wildfire Risk Area** means land that is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon it would present an abnormally difficult job of suppression or would result in great or unusual damage through fire or such areas designated by the Fire Code Official.

SECTION 4: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- 4.1 The subject project is Categorically Exempt (Class 4) from provisions of CEQA, pursuant to 14 CCR section 15304.

- 4.2 The subject project is also exempt under the “common sense” exemption in 14 CCR section 15061(b)(3) because it does not involve activity that will have a significant effect on the environment.

SECTION 5: CLEARANCE OF HAZARDOUS VEGETATION ON UNIMPROVED PARCELS

- 5.1 All Hazardous Vegetation shall be removed on Unimproved Parcels that are one (1.0) acre in size or smaller.
- 5.1.1 All dry grass and other Weeds located on the Unimproved Parcel shall be removed or cut to a maximum height of two (2) inches.
- 5.1.2 Tree limbs within six (6) feet of the ground that permit fire to spread into the tree canopy and promote ember distribution shall be removed.
- 5.1.3 All downed trees, branches or woody debris smaller than eight (8) inches in diameter located on the ground shall be removed.
- 5.1.4 Slash, Rubbish and Combustible Material debris piles that can easily support fire ignition and spread shall be removed.
- 5.2 All Hazardous Vegetation shall be removed on Unimproved Parcels over one-acre (1.01) in size to provide defensible space within one hundred (100) feet from Structure(s) and twenty (20) feet along roadways.
- 5.2.1 All dry grass and other Weeds located within the designated defensible space zone shall be removed or cut to a maximum height of two (2) inches.
- 5.2.2 Tree limbs within six (6) feet of the ground that permit fire to spread into the canopy and promote ember distribution shall be removed.
- 5.2.3 All downed trees, branches, or woody debris smaller than eight (8) inches in diameter located on the ground shall be removed.
- 5.2.4 Slash, Rubbish and Combustible Material debris piles that can easily support fire ignition and spread shall be removed.
- 5.2.5 Hazardous Vegetation located within twenty (20) feet of Roadways shall be removed or cut to a maximum height of two (2) inches to reduce fire spread from roadside ignition sources and to maintain emergency evacuation routes for the local community.
- Exception:* Single specimens of trees if they do not form a means of readily transmitting fire as deemed by the El Dorado Hills Fire Department.
- 5.3 All Unimproved Parcels, regardless of size, shall comply with the following requirements:

- 5.3.1 An Unimproved Parcel located within a development subject to a Fire Department approved Fire Safe Plan shall comply with the terms of that plan as required by CFC § 4903 regardless of size.
- 5.3.2 Unimproved Parcels located in areas designated by the Fire Code Official as a Wildfire Risk Area shall also be evaluated against the provisions of this Ordinance and EDCC Chapter 8.09.
- 5.3.3 Unimproved Parcels known to contain, or that the property owner believes, may contain habitat for rare, threatened or endangered plant or animal species shall contact the California Department of Fish and Wildlife at least ten (10) days in advance of vegetation management work. If the property owner is aware of any federal or state listed species then the appropriate wildlife agency shall be consulted prior to beginning work. It is possible that a permit may be required from the appropriate agencies (e.g., U.S. Fish and Wildlife Services and/or the California Department of Fish and Wildlife) prior to work beginning on the property.
- 5.3.4 Agricultural crops and active agricultural operation (e.g., farming, grazing, nursery and winegrape) lands as defined in the EDCC are exempt from meeting the regulations described in this Ordinance.
- 5.3.5 Heritage Trees are exempt from meeting the regulations described in this Ordinance.
- 5.3.6 All Slash, Rubbish, or Combustible Material debris shall be chipped or removed from the property.
- 5.3.7 The Fire Code Official may require greater clearance distances than that specified in Section 5, at their discretion, where public health safety or welfare so dictate, or where geographic, topographic or vegetation circumstances dictate.

SECTION 6: ACCEPTABLE METHODS OF CLEARANCE

- 6.1 **Disking.** The discs shall be set at an angle sufficient to cut the sod loose and adequately bury the growth of weeds, grass, or noxious vegetation existing at the time. Disking shall include rototilling or cultivating. Disking shall be done each time the growth exceeds six (6) inches in height.
- 6.2 **Scraping.** Area shall be scraped clear, and all debris shall be removed from the required clear area.
- 6.3 **Mowing.** Height of vegetation shall not exceed two (2) inches at completion. Mowing shall be done each time growth exceeds six (6) inches in height. Mowing shall include hand-operated weed eaters, flail, and rotary mowers.

- 6.4 **Spraying.** If sprays or pre-emergent are utilized prior to growth of vegetation, preventing growth of vegetation, then this will be an acceptable method of abatement. Any time growth of vegetation exceeds six (6) inches height, it shall be removed by another acceptable method of abatement.
- 6.5 **Grading.** Grading shall not take place without all appropriate permits required by the County of El Dorado.

SECTION 7: **DUTY TO ABATE HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIALS**

- 7.1 Upon receipt of a notice of violation and order to abate, as discussed in Section 13, it shall be the duty of every owner, occupant and person in control of any improved or unimproved parcel of land or interest therein, which is located in the jurisdiction of EDHCWD to abate there from, and from all parcels, roadways and parkways, except for those roads maintained by the county, all Combustible Material and Hazardous Vegetation, that in the judgment of the Fire Code Official, constitutes a Fire Hazard which may endanger or damage neighboring property pursuant to the requirements of the notice of violation and order to abate received.
- 7.2 The property owner, occupant and person in control of the land is responsible for the abatement and vegetation management (collectively referred to as the "Responsible Person").
- 7.3 The Responsible Person shall also comply with all other federal, state and local laws, including environmental protection laws, and obtain permits when necessary.

SECTION 8: **CORRECTIVE ACTIONS**

- 8.1 After declaring a Fire Hazard pursuant to this Ordinance, the Fire Code Official may require that the Responsible Person(s) take corrective action(s) to abate the Fire Hazard. Such actions may include, but are not limited to the following:
- 8.1.1 Removing Hazardous Vegetation, Combustible Material, Weeds, Rubbish, or other obstructions or materials that are a fire hazard.
- 8.1.2 Taking specific action(s) to come into compliance with the regulations and rules that prescribe the maintenance of defensible space around structures and real property.

SECTION 9: **INSPECTIONS BY THE EL DORADO HILLS FIRE DEPARTMENT**

- 9.1 For the purpose of enforcing or administering this Ordinance, the Fire Code Official, may enter upon any Unimproved Parcel for the purpose of inspecting the property or for summary abatement proceedings whenever the Fire Code Official is informed, or has reasonable cause to believe, that Hazardous Vegetation or Combustible Material exists that constitute a condition dangerous or

injurious to the health or welfare of persons or to the public, including the environment, and is a public nuisance, or is otherwise in violation of this Ordinance.

- 9.2 No person shall interfere with the Fire Code Official while acting in the official course and scope of their duty.

SECTION 10: REOCCURRING FIRE HAZARD

- 10.1 In the case of a parcel containing a Fire Hazard where it has been necessary for the El Dorado Hills Fire Department to Abate as a public nuisance in two consecutive years, and the Fire Hazard is seasonal or recurring, the Governing Board of EDHCWD may declare such a parcel to be a seasonal public nuisance.
- 10.2 As to such parcels constituting a seasonal Fire Hazard, the Fire Code Official may mail a notice to the Responsible Person(s) of the property at the address that appears upon the current assessment roll. The notice shall contain the information prescribed in Health and Safety Code Section 14900.6.
- 10.3 If the nuisance is not Abated by the Responsible Person(s) within the time specified, the El Dorado Hills Fire Department may proceed to Abate the property and recover costs for doing so, pursuant to Health and Safety Code sections 149001 and 14902, and as provided for in this Ordinance.

SECTION 11: PENALTIES

- 11.1 Failure to comply with the provisions described in this Ordinance may result in the issuance of an Administrative Citation by the El Dorado Hills Fire Department, or a declaration by the Board that the condition on the parcel constitute a public nuisance to be abated at the Responsible Person(s) expense.
- 11.2 Every violation of this Ordinance is punishable by:
- 11.2.1 A fine not exceeding \$100.00 for the first violation; and
 - 11.2.2 A fine not exceeding \$200.00 for the second violation within three years; and
 - 11.2.3 A fine not exceeding \$500.00 for each additional violation within three years.
- 11.3 Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by EDHCWD.
- 11.4 All fines shall be payable to EDHCWD unless otherwise directed in the Notice of Violation and Order to Correct.
- 11.5 For all delinquent unpaid administrative fines, there shall be a penalty imposed in accordance with the provisions of this Ordinance. The delinquency date for an administrative fine shall be 30 days

following the imposition of the fine or the administrative determination of the Board, whichever is later.

11.6 The right to and procedures for requesting an administrative hearing are detailed in Section 13.

SECTION 12: ABATEMENT OF NUISANCE BY FIRE CODE OFFICIAL

12.1 Any condition caused, maintained, or permitted to exist in violation of any provisions of this Ordinance may be Abated by the Fire Code Official, pursuant to the procedures set forth in Section 13.

SECTION 13: ABATEMENT PROCEDURES

13.1 An Initial Notice to Abate Fire Hazard and Destroy Weeds shall be sent by U.S. Mail or other approved means to all unimproved property owners of parcels by April 15th of each year.

13.2 If the property is still deemed a Fire Hazard on or after May 1st of each year a Final Notice to Abate Fire Hazard and Destroy Weeds will be mailed to the property owner by certified U.S. Mail. In addition to the mailed notice, the property will have one or more signs conforming with the provisions of California Health and Safety Code (HSC) §§ 14891-14894 placed on them to notify the property owner of the notice to abate this concern.

13.3 The property owner will have no less than ten (10) days to abate the Fire Hazard or appeal this decision to the EDHCWD board at their May monthly meeting. If the Fire Hazard has not been abated by the end of the 10-day notice, or the end of the appeal period, whichever is greater, the EDHCWD will dispatch a weed abatement contractor to abate the Fire Hazard in accordance with the provisions of this Ordinance.

13.4 A notice of the hearing prescribed in HSC § 14892 shall be published once in a newspaper of general circulation printed and published in the county, not less than 10 days prior to the date of the hearing.

13.5 The amount of the cost for abating the Fire Hazard and the amount incurred by the Fire Department in enforcing abatement shall constitute a special assessment against the property from which removal occurs and are a lien on the property for the respective assessments as described in the current EDHCWD resolution.

SECTION 14: REAL ESTATE TRANSACTIONS

14.1 Prior to close of any Real Estate Transaction subject to Civil Code section 1102.19 within EDHCWD, the seller of any real property must obtain documentation from the Fire Code Official that the property is in compliance with this Ordinance and provide that documentation to the buyer at or before the close of escrow. If documentation of compliance is not available at the time of

escrow, the buyer shall obtain documentation from the Fire Code Official stating the property is in compliance with this Ordinance within 90 days after the close of escrow, unless otherwise approved by the Fire Code Official.

SECTION 15: **CONFLICT**

- 15.1 The operation of this Ordinance shall in no way change or diminish the application of other ordinances of EDHCWD dealing with like or similar matters. In any case where a provision of this Ordinance is found in conflict with a provision of any zoning, building, fire safety, or health ordinance or any other section of the EDCC, including fines, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- 15.2 It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by this Ordinance. In cases where two or more provisions of this or any other Ordinance conflict, the most stringent or restrictive shall prevail.

SECTION 16: **SEVERABILITY**

- 16.1 If any Ordinance, article, subsection or subdivision thereof, provision, sentence, clause or phrase of this code, or any application thereof, is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining provisions of this code, which can be given effect without the invalid portions and, therefore, such invalid portions are declared to be severable.
- 16.2 The EDHCWD hereby declares that it would have enacted this Ordinance and each of its articles, sections, subsections, or subdivisions thereof, provisions, sentences, clauses or phrases irrespective of the fact that one or more of them is declared invalid.

SECTION 17: **EFFECTIVE DATE AND PUBLICATION**

- 17.1 This Ordinance shall take effect thirty (30) days after its adoption. The EDHCWD Board Secretary is directed to publish this Ordinance in a newspaper of general circulation in the District. In lieu of publication of the full text of the ordinance, a summary of the ordinance may be published by the by the Board Secretary within fifteen (15) days after its passage and a certified

copy shall be posted in the office of the EDHCWD pursuant to *Government Code Section 36933(c) (1)*.

17.2 The above Ordinance was introduced at a meeting of the Board of Directors of the EDHCWD on {~~3/29/23~~}, and it was then read for the first time. A public hearing was set for the Ordinance to be read for the second time on { 4/25/23 } and approved by the following vote:

PASSED AND ADOPTED by the Board of Directors of the EDHCWD this, 25th day of April, 2023.

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0



John Giraudo, Board President

ATTEST:



Jessica Braddock, Board Secretary