



El Dorado Hills Fire Department

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Maurice Johnson
Fire Chief

DATE: March 29, 2023

TO: Board of Directors

ITEM No.: 3.A

SUBJECT: Public Hearing - Ordinance 2023-01 – Introduction and First Reading

TOPIC

An Ordinance of the El Dorado Hills County Water District Related to Hazardous Vegetation Management on Unimproved Parcels, and Declaring Certain Hazardous Vegetation and Combustible Materials a Public Nuisance, and Providing for the Removal Thereof.

SUMMARY

Staff requests that the Board of Directors conduct a public hearing to introduce and complete a first reading of proposed Ordinance Number 2023-01 of the El Dorado Hills County Water District (EDHCWD). This proposed ordinance provides regulations pertaining to the maintenance and care of unimproved parcels so that they do not pose a fire hazard in the community and identifies the process EDHCWD will complete to the extent that such hazards are either addressed by the responsible person or abated by the District.

DISCUSSION

Staff is requesting that the Board of Directors of EDHCWD consider the adoption of Ordinance 2023-01. This ordinance, if adopted, would provide regulations that would be applicable to all undeveloped parcels¹ located within the District. This Ordinance is intended to provide specific criteria that land owners and other related persons must meet on an on-going basis to eliminate fire hazards on their property. Failure to comply with this Ordinance may lead to the abatement of the fire hazard as a public nuisance and may lead to abatement costs and administrative penalties being assessed against the responsible person(s) who maintain control of the parcel.

The threat of a wildfire threatening lives and properties located within the District is a constant risk to the well-being of the public. This ordinance intends to reduce that risk through the implementation of specific mitigation measures that are found in many communities throughout the Region and State. This Ordinance is intended to enact provisions pursuant to the powers granted to EDHCWD concerning the abatement of hazardous vegetation and combustible materials as contained within California Health & Safety Code Section 13861(h), 13879 and

¹ Both Federal and State owned lands are exempt from the Ordinance. Public school districts are also generally exempt. This Ordinance does pertain to public owned lands owned by the County and independent special districts.

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14875 e seq., and 14930 as well as the authority granted to EDHCWD under various State and County statues and regulations.

This Ordinance is intended to apply to unimproved parcels regardless of size. The abatement of hazardous vegetation posing a fire hazard in the community shall occur by no later than May 1st each year unless otherwise directed by the Fire Code Official. Failure of a responsible person(s) to comply with these provisions by that date may lead to the abatement of the fire hazard as a public nuisance by EDHCWD. Abatement costs and administrative penalties may be applied against the responsible person(s) by EDHCWD as described in the Ordinance.

The Ordinance is proposed to include the following provisions:

- **Section 1 (Findings of Fact)** establishes ten (10) factors that support more restrictive regulations pertaining to the removal of hazardous vegetation and combustible materials on individual parcels than State law.
- **Section 2 (Application of Ordinance)** defines the authority of the District to require the provisions described in this Ordinance. The Ordinance applies specifically to unimproved parcels regardless of size located within the District.
- **Section 3 (Definitions)** describes thirty (30) definitions that are applicable to this ordinance.
- **Section 4 (CEQA)** describes the categorical exemption within the California Environmental Quality Act that permits the removal of hazardous vegetation and combustible materials on lands without the need to obtain environmental approval from the County of El Dorado.
- **Section 5 (Clearance of Hazardous Vegetation on Unimproved Parcels)** describes the specific criteria that landowners are required to comply with to ensure that their parcel does not constitute a fire hazard.
- **Section 6 (Acceptable Methods of Clearance)** describes the approved methods that land owners may use to remove hazardous vegetation and combustible materials from their parcel so that a fire hazard does not exist.
- **Section 7 (Duty to Abate Hazardous Vegetation and Combustible Materials)** describes the duties of the property owner, occupant and person of control of the land (Responsible Person) to abate a fire hazard on their parcel.
- **Section 8 (Corrective Actions)** describes the actions the Fire Code Official may require of the Responsible Person(s) once a fire hazard has been declared.
- **Section 9 (Inspections by EDHFD)** authorizes the Fire Code Official to enter onto an unimproved parcel with reasonable cause for the purpose of ensuring that the parcel does not constitute a public nuisance.
- **Section 10 (Reoccurring Fire Hazard)** describes the factors in which a parcel may be declared a reoccurring fire hazard by the Board of Directors.

- **Section 11 (Penalties)** describes potential penalties that may be applied against a Responsible Person(s) who fail to comply with this Ordinance.
- **Section 12 (Abatement of Nuisance by Fire Chief)** describes the authority of the Fire Chief of the El Dorado Hills Fire Department to abate a public nuisance on a parcel.
- **Section 13 (Abatement Procedures)** describes the process used by the El Dorado Hills Fire Department to notify the Responsible Person(s) of the fire hazard on their property prior to the parcel being declared a public nuisance and abated.
- **Section 14 (Real Estate Transactions)** describes the responsibility of the Responsible Person(s) to notify a potential buyer of an unimproved parcel that they must comply with this Ordinance.
- **Section 15 (Conflict)** describes the process the District will follow when a conflict with another ordinance or regulation exists.
- **Section 16 (Severability)** describes the use of this Ordinance when a provision of these regulations are determined to be invalid by a court of competent jurisdiction.
- **Section 17 (Effective Date and Publication)** describes that this ordinance will become effective thirty (30) calendar days after the adoption of the Ordinance by the Board after the second reading.

The process and timeline for the review and potential approval of this Ordinance by the Board of Directors is as follows:

- **March 29, 2023** – Public Hearing, Introduction and First Reading of the Proposed Ordinance.
- **April 20, 2023** – Second Reading and Adoption of the Proposed Ordinance.
- **May 20, 2023** – Effective Date of this Ordinance.

ENVIRONMENTAL IMPACT

This action is categorically exempt from environmental review pursuant to California Code of Regulations Title 14 Section 15304 (Minor Alterations to Land).

FISCAL IMPACT

There is no direct fiscal impact for adopting this ordinance related to hazardous vegetation and combustible material abatement. Associated staffing and cost for enforcement will be addressed in the El Dorado Hills Fire Department proposed budget on a fiscal year basis.

RECOMMENDATION

Staff recommends that the Board of Directors: [1] Introduce the proposed ordinance for first reading, [2] conduct a public hearing on the ordinance and [3] provide direction to staff on

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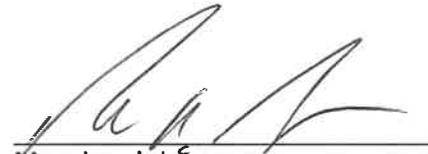
modifications to the draft ordinance that the Board of Directors intends to make prior to the second reading of the ordinance scheduled for the Boards Regular Meeting on April 20, 2023.

Submitted by:



Ronald A. Phillips
Project Management Specialist

Approved by:



Maurice Johnson
Fire Chief

Attachment: Draft Ordinance 2023-01