

ORDINANCE NO. 755 N.S.

AN ORDINANCE ADOPTING RECOMMENDATIONS OF THE DIRECTOR OF FORESTRY AND FIRE PROTECTION DESIGNATING VERY HIGH FIRE HAZARD SEVERITY ZONE AND ADDING FUEL REDUCTION AND VEGETATION MANAGEMENT REQUIREMENTS TO THE PIEDMONT CITY CODE

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. BACKGROUND

California Government Code sections 51178 and 51179 require local agencies, including the City of Piedmont (“City”) to designate by ordinance, very high fire hazard severity zones following receipt of recommendations from the Director of Forestry and Fire Protection.

The California Government Code prescribes certain, specified requirements for property owners located in areas designated as being located in very high fire hazard severity zones to manage vegetation in a manner to prevent fires.

California Government Code section 51182 provides that property owners within very high fire hazard severity zones must maintain a defensible space of 100 feet from each side of the front and rear of the structure, with the intensity of fuels management varying within the 100-foot perimeter of the structure, as the most intense level of fuels management is required within the first 30 feet around the structure.

California Government Code section 51182(a)(1) specifies that by local ordinance, rule, or regulation, a local agency may require a defensible space of more than 100 feet.

The spread and severity of fires occurring in Piedmont is of particular concern, given that Piedmont is a predominantly hillside community where a significant number of structures in the City are single family dwellings built on sloping terrain and are located in close proximity to one another.

In many cases in Piedmont, dwellings are situated less than 8 feet apart, and fires can easily spread from house to house and are more readily spread upslope in the direction of prevailing winds.

The 1991 Oakland/Berkeley Hills fire had a devastating impact on those communities in the fire zone which experienced significant loss of life and property. The fire zone of this event crossed into the Piedmont city limits, but did not damage any structures. Piedmont however does have similar climatic and topographical conditions as those areas in other jurisdictions affected by 1991 fire.

Approximately 20 percent of Piedmont has been designated as very high fire hazard zone by the Director of Forestry and Fire Protection. However, the remainder of Piedmont that is not specifically deemed as a very high fire hazard zone by the Director of Forestry and

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Fire Protection is located in close proximity to such designated areas. In addition, Piedmont's unique topography and geography make the entire City particularly susceptible to fires.

Property owners' or occupants' lack of proper vegetation management has the potential to create fire hazards that can have potentially devastating consequences for the entire community.

Lack of vegetation management is also dangerous because it can impede emergency vehicle access in the event of fires or natural disasters in a manner that jeopardizes public health and safety throughout the City.

Based on these facts, it is necessary to adopt vegetation management standards for property owners in Piedmont in order to reduce the potential and intensity of uncontrolled fires that can threaten to destroy resources, life, or property.

The City Council of the City of Piedmont finds that the failure to manage and maintain private property in accordance with of the prescribed vegetation requirements in this Ordinance is a public nuisance, and should be subject to abatement by the City of Piedmont.

SECTION 2. ENACTMENT OF CITY CODE SECTION 8.14.030 – FIRE FUEL REDUCTION AND VEGETATION MANAGEMENT

Section 8.14.030 of the Piedmont City Code is hereby enacted, to read in its entirety:

“8.14.030 Fire Fuel Reduction and Vegetation Management.

A. Purpose and Declaration of Public Nuisance. Due to the unique topography and geography of the City, unchecked fire fuel loads and lack of vegetation management create a fire hazard and may potentially impede emergency vehicle access in the event of natural disaster, thereby jeopardizing public health and safety throughout the City. Failure to manage and maintain private property in accordance with of the prescribed vegetation requirements in this section shall be deemed a public nuisance subject to abatement by the City of Piedmont.

B. Vegetation management requirements. Standards for vegetation management described herein shall be applicable to and within private property located within the City bounds, unless stricter requirements apply under section 8.14.050 due to being located in a designated very high fire hazard zone, and failure to maintain property in accordance with such standards shall subject the responsible person to fine and/or abatement in accordance with chapter 1 or chapter 6 of this code.

1. Developed parcels. For any parcel developed with a dwelling unit, or developed with any other structure or structures required to obtain a building permit prior to construction, each responsible person for such parcel shall ensure that vegetation on

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the parcel is maintained in accordance with the requirements below. Each responsible person shall:

- a. Cut down, remove, or reduce any hazardous vegetation or combustible material. Hazardous vegetation or combustible materials include, but are not limited to weeds, grass, vines, leaves, brush, diseased or dead trees, combustible growth, debris, or rubbish capable of being ignited and endangering property.
 - b. Maintain a defensible space of at least 30 feet from the perimeter of each building or structure located on a parcel. The size of the defensible space area may be increased or decreased by the fire code official based on site-specific analysis of local conditions, which include, but are not limited to, considerations of: the size of the property, whether the property is located on a steep slope, whether property located in an exposed windswept location, the fire risk that the vegetation surrounding the property poses, the proximity of adjacent structures and risk to such adjacent structures, and whether the vegetation surrounding the property is regularly maintained or pruned. A responsible person is not required to manage vegetation located beyond the property line of the subject parcel.
 - c. Maintain any space that is within 3 feet from a roadway clear of any flammable vegetation, and maintain a 15-foot vertical clearance, free of vegetation, above roadways including streets, driveways and rights-of-way.
 - d. Remove or trim any vegetation that is deemed by the Fire Marshal to impede emergency vehicle access.
 - e. Remove all portions of trees within 10 feet of functioning chimneys or stovepipe outlets.
 - f. Maintain the roof and gutters free of leaves, needles, or other dead/dying wood.
 - g. Remove brush and tree limbs that are within six feet of the ground from mature trees.
 - h. Remove flammable vegetation and limbs from trees that may pose a fire and/or safety hazard to the home or property.
 - i. Install a spark arrestor on functioning chimneys or stovepipe outlets.
2. Vacant parcels. For any vacant parcel in the city, each responsible person for such parcel shall ensure that vegetation on the parcel is maintained in accordance with the requirements below. Each responsible person shall:

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- a. For parcels with an acreage that is 0.5 acres or less, the responsible person shall clear the entire lot of flammable vegetation and maintain it to a height of 6 inches or less.

- b. For parcels with an acreage that is greater than 0.5 acres, clear the area that is one hundred feet along the perimeter of the property line of flammable vegetation and maintain such vegetation to a height of 6 inches or less. A responsible person is not required to manage vegetation located beyond the property line.

- c. Maintain any space that is within 3 feet from a roadway clear of any flammable vegetation, and maintain a 15 foot vertical clearance, free of vegetation above roadways including streets, driveways and rights-of-way.

- d. Remove flammable vegetation and limbs from trees that may pose a fire and/or safety hazard from the property.

- e. Remove brush and tree limbs that are within six feet of the ground from mature trees.

3. Penalties. Violations of this section shall be subject to penalties. Penalty amount may be established by resolution of the City Council. If penalty amounts have not been established by resolution of the City Council, violations of this section shall be punishable by fine in the amounts specified in Government Code section 51185.

SECTION 3. ENACTMENT OF CITY CODE SECTION 8.14.040 – DESIGNATION OF VERY HIGH FIRE HAZARD SEVERITY ZONE

Section 8.14.040 of the Piedmont City Code is hereby enacted, to read in its entirety:

“8.14.040 Designation of Very High Fire Hazard Severity Zone

The City Council designates those areas identified on the City’s Very High Fire Hazard Severity map as designated in figure 8.14.040, as Very High Fire Severity Zones in accordance with section 51179(a) of the California Government Code. A copy of such map shall be kept on file with the Fire Marshal.”

SECTION 4. ENACTMENT OF CITY CODE SECTION 8.14.050 – VEGETATION MANAGEMENT IN VERY HIGH FIRE HAZARD SEVERITY ZONE

Section 8.14.050 of the Piedmont City Code is hereby enacted, to read in its entirety:

“8.14.050 Vegetation Management in Very High Fire Hazard Severity Zone

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All properties within a Very High Fire Severity Zone shall comply with vegetation management requirement in Government Code section 51182, unless such property is deemed exempt by the Fire Chief or designee in accordance with Government Code section 51183 or 51184. Violations of this section shall be deemed a public nuisance subject to abatement under chapter 6 of this code. In addition being subject to punishment as prescribed under Government Code section 51185, such violations may be enforced via administrative fine under chapter 1 of this code. Administrative fine amounts may be established by resolution of the City Council.”

SECTION 5. ENACTMENT OF CITY CODE SECTION 8.14.050 – DEFINITIONS

Section 8.14.060 of the Piedmont City Code is hereby enacted, to read in its entirety:

“8.14.060 Definitions.

In this division:

Defensible Space means the area adjacent to a structure or dwelling where wildfire prevention or protection practices are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas, as provided in Government Code section 51177(a).

Flammable vegetation means: (1) vegetation, brush, or grasses, which is dry, dead, or dying and which is over six inches in height; or (2) vegetation which has a high resin or sap content including but not limited to Arborvitae, California Bay, Cedar, Cypress, Douglas Fir, Eucalyptus, Fir, Juniper, Palm, Pine, Spruce, Yew, California buckwheat, California sagebrush, Chamise or greasewood, Laurel sumac, Manzanita, Pampas grass, Rosemary, Scotch broom, Spanish Broom, Sugar bush, and Toyon and which is over six inches in height.

Responsible person means any natural person or a corporate entity that is the owner, occupant, lessor, lessee, manager, licensee, or other person having physical or legal control over a structure or parcel of land.

SECTION 6. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

SECTION 7. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading. The City

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Clerk shall transmit a copy of the ordinance to the State Board of Forestry and Fire Protection, and cause a notice to be posted with the office of the county recorder, county assessor, and county planning agency, as required by Government Code section 51179.

SECTION 8. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds and determines that enactment of this ordinance is exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15304, pertaining to minor alternations to land. Alternatively, Title 14 California Code of Regulations, section 15308, actions for protection of the environment, and section 15307, actions for protection of natural resources, also exempt this action from environmental review.

Attachments:

Exhibit A – Figure 8.14.010 - Very High Fire Hazard Severity Zone Map



I certify that the foregoing ordinance was passed and adopted by Resolution 69-2020 at the regular meeting of the City Council of the City of Piedmont on August 17, 2020, by the following vote:

Ayes:	Andersen, Cavanaugh, King, McBain, Rood
Noes:	None

Attest: _____
John O. Tulloch, City Clerk

City of Piedmont Fire Zone Map



Legend

- City Limit
- ▨ State of California Very High Fire Severity Zone
- ▨ Wildland Urban Interface Fire Area

