

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 13A ABATEMENT OF HAZARDOUS VEGETATION AND COMBUSTIBLE MATERIAL

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Chapter 13A of the Sonoma County Code is hereby amended as follows:

Section 13A-1. Purpose.

The purpose of this chapter is to provide for the removal of hazardous vegetation and combustible material ~~from around the exterior of improvement~~ situated in the unincorporated areas of the county so as to reduce the potential for fire and to promote the public health, safety and welfare of the community.

The Board of Supervisors makes the following findings:

- (a) It is the intent of the Board of Supervisors that this chapter shall apply to the abatement of hazardous vegetation and combustible material on unimproved and improved parcels ~~zoned for five acres or less~~ in the unincorporated area;
- (b) Sonoma County generally has a climate conducive to wildfires and is prone to periodic dry ~~summers~~ conditions and 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. Increasingly dry ~~summers~~ conditions and severe wind events further exacerbate the fire danger and have ~~the potential to result~~ resulted in catastrophic fire losses to life, property and the environment;
- (c) Sonoma County has a diverse and complex landscape which includes mountainous areas or forest-covered lands, brush covered lands, grass-covered lands, and other brush covered wildlands which are home to many rare and sensitive plant and animal species;
- (d) Of paramount importance to the Board of Supervisors and the ~~citizens~~ residents of Sonoma County is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires;
- (e) It is the purpose of this chapter to establish a hazardous vegetation and combustible material abatement program that protects the lives and property of the ~~citizens~~ residents of Sonoma County while at the same time protecting rare and sensitive plant and animal species and the environment;

- (f) The Board of Supervisors finds that hazardous vegetation or combustible material poses a danger to the health, safety and welfare of the residents in the vicinity of any real property located throughout the County of Sonoma for the reasons set forth above. Therefore, all hazardous vegetation or combustible material located on real property within the unincorporated area of the County of Sonoma is deemed a public nuisance and poses a hazard to the safety of the landowners, residents in the vicinity, users of public highways and to the public generally;
- ~~(g) The county finds that this chapter is not subject to the California Environmental Quality Act (CEQA) because it will not result in significant environmental impacts and pursuant to the following categorical exemptions: Section 15304(i) (~~specified fuels management activities within 100 feet of a dwelling~~); Section 15308 (actions taken as authorized by local ordinance to assure protection of the environment); Section 15321 (action by agency for enforcement of a law, general rule, standard or object administered or adopted by the agency, including by direct referral to the county counsel as appropriate for judicial enforcement).~~

Sec. 13A-2 Authority.

This chapter is enacted by ordinance pursuant to the powers granted to the Board of Supervisors concerning the abatement of hazardous vegetation and combustible material as contained in Section 14930 and Section 14931 of the Health and Safety Code of the State of California. Additional authority for the abatement of nuisances, establishment of procedures, and establishment of real property liens through the Board of Supervisors as provided in Section 25845 and 25845.5 of the Government Code of the State of California.

Sec. 13A-3. Definitions

The following definitions apply to this chapter:

“Abate” and/or “abatement” means an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.

“Abatement costs” means any and all costs incurred by the County of Sonoma to abate the hazardous vegetation ~~weeds~~ or combustible material on any property pursuant to this chapter, including physical abatement costs, administration fees and any additional costs incurred by the County of Sonoma ~~the Sonoma County Fire and Emergency Services Department~~ for the abatement proceeding, including attorney’s fees, if applicable.

“Combustible material” means rubbish, firewood piles, litter or material of any kind other than hazardous vegetation that is flammable and endangers the public safety by creating a fire hazard.

“County ~~Fire chief~~ Fire Warden/Fire Marshal” means the Fire Warden/Fire Marshal ~~fire chief~~ of the County of Sonoma or his/her designated representative, ~~including~~:

- (1) Chiefs of all fire protection districts within the territory of the political subdivision within the county where he/she serves, and their deputies may assist with conducting inspections and sending notices of violation to the Fire Warden/Fire Marshal to enforce;
- (2) All employees of the County of Sonoma Fire Prevention and Hazardous Materials Division ~~Sonoma County Fire and Emergency Services Department~~; and
- (3) Such other officers as are designated by the Board of Supervisors or the ~~county~~ County Fire Warden/Fire Marshal ~~fire chief~~.

“Defensible space” is the buffer that landowners are required to create on their property between a structure and the plants, brush and trees or other items surrounding the structure that could ignite in the event of a fire.

“Hazardous vegetation” means 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, etc.

“Improved 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 upon which a structure is located.

“Ladder fuels” are those combustible materials such as low-growing plants, ground cover and shrubs (both live and dead) that provide a path for a surface fire to climb up into the crowns of shrubs or trees.

“Person” means natural person or corporation.

“Structure” means 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.

“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 upon which no structure is located.

Sec. 13A-4. Duty to ~~abate~~ remove hazardous vegetation and combustible material.

All hazardous vegetation or combustible material located on real property within the unincorporated area of the County of Sonoma is deemed a public nuisance and poses a hazard to the safety of the landowners, residents in the vicinity, users of public highways and to the public generally. All property owners, occupants and persons in control of any improved or unimproved parcel of land or interest

therein which is located in the unincorporated area of the County (collectively referred to as “Owner” in this Chapter 13A) shall comply with the vegetation management requirements set forth in Chapter 13A. Vegetation management in the Riparian Corridor Combining Zone streamside conservation area is subject to the allowed land uses, activities and permit requirements set forth in Chapter 26-65-040 of the Sonoma County Code. Owner shall also comply with all other federal, state and local laws, including environmental protection laws. The intensity of fuels management may vary within the 100 foot perimeter of the structure, the most intense management requirements shall be within the first 30 feet around the structure. Compliance with the provisions of this Chapter 13A is required throughout the year.

The requirements of this section will be satisfied if the following requirements are met:

(a) Improved Parcels

- (1) Vegetation management requirements from structures to a distance of thirty-feet, or to the property line, whichever is closer.
 - a. Maintain roofs and gutters of any structure to be free of leaves, needles or other dead/dying vegetation or flammable materials.
 - b. Remove all dead or dying trees, branches, shrubs, or other plants adjacent to or overhanging buildings. Maintain trees adjacent to or overhanging a structure free of dead/dying wood.
 - c. Remove all portions of trees within ten feet (10’) of chimney and/or stovepipe outlets.
 - d. Climbing vines must be maintained to be free of dead and dying materials or removed from trees and structures.
 - e. Remove flammable vegetation and dead/dying vegetation which are on, below or adjacent to structures, decks, balconies, stairs or similar attachments.
 - f. Relocate exposed firewood or lumber piles at least 30 feet from structures unless covered in a fire resistive material. Clear 10 feet around and 15 feet above flammable piles. Remove all dead branches, leaves and foliage from all trees, bushes and ground cover.
 - g. Remove all dead and dying grass, plants, shrubs, trees, branches, leaves, weeds and needles.
- (2) Vegetation Management Requirements from structures to a distance of 100 feet (100’) or to the property line, whichever is closer:

- a. Remove low hanging tree branches and limbs that are less than 3 inches in diameter.
 - i. If trees are less than 30 feet in height, remove branches to a height from ground equivalent to 1/3 the height of the tree.
 - ii. If trees are greater than thirty feet in height, remove branches to 10 or more feet from ground.
- b. Reduce vegetation so that live flammable ground cover and shrubs (ladder fuels) are removed or separated so that they will not spread flame horizontally across the ground or vertically into the tree canopy. Large trees do not have to be cut and removed as long as they are limbed up to an appropriate height and maintained free of dead and dying materials, and surrounding plants are spaced so they will not transmit flame to the tree.
- c. Remove dead and/or dying vegetation. If more than 30 feet from structures, loose surface litter normally consisting of fallen leaves, needles, grass clippings, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of 3 inches.
- d. Dead and dying grasses and other weeds shall be cut to a height of three inches or less. To avoid erosion, do not cut grasses to bare mineral soil.
- e. Logs and stumps embedded in the soil must be removed or isolated from structures and other vegetation.
- f. All exposed woodpiles must have a minimum of 10 feet clearance in all directions.

(3) Other Requirements:

- a. Maintain a ten foot minimum horizontal and 14 foot vertical clearance next to private roads and private driveways.
- b. Equip chimney or stovepipe openings with a metal screen having openings between 3/8 inch and 1/2 inch.
- c. Clearly mark property with address numbers and street identification pursuant to Sonoma County Fire Safe Standards, Chapter 13.
- d. Liquid Propane Gas (LPG) storage tanks shall have 10 feet of clearance and no flammable vegetation for an additional 10 feet around their exterior.
- e. Combustible material shall be removed from the property when identified by the fire official.

(b) Unimproved Parcels.

For unimproved parcels and portions of improved parcels which fall outside of the requirements of Sec. 13A-4(a), the following requirements shall be met:

1. Areas within 30 feet of structures on neighboring parcels:

- a. Reduce vegetation so that low-growing plants (ladder fuels) are removed or separated so that they will not spread flame horizontally across the ground or vertically into the tree canopy. Large trees do not have to be cut and removed as long as all of the plants beneath them are maintained to provide the appropriate spacing;
- b. Dead and dying vegetation shall be removed;
- c. Dead and dying grasses and other weeds shall be trimmed to three inches (3") or less in height unless necessary for erosion control. To avoid erosion, do not cut grasses to bare mineral soil.
- d. Remove low hanging tree branches and limbs that are less than 3 inches in diameter.
 - 1. If trees are less than 30 feet in height, remove branches to a height from ground equivalent to 1/3 of the height of the tree.
 - 2. If trees are greater than 30 feet in height, remove branches to 10 or more feet from ground.

2. Areas near private roads and private driveways. Maintain a ten foot minimum horizontal and 14 foot vertical clearance next to private roads and private driveways. In these areas, the following requirements must be met:

- a. Reduce vegetation so that low-growing plants (ladder fuels) are removed or separated so that they will not spread flame horizontally across the ground or vertically into the tree canopy. Large trees do not have to be cut and removed as long as all of the plants beneath them are maintained to provide the appropriate spacing;
- b. Dead and dying vegetation shall be removed;
- c. Dead and dying grasses and other weeds shall be trimmed to three inches (3") or less in height unless necessary for erosion control. To avoid erosion, do not cut grasses to bare mineral soil.

d. Remove low hanging tree branches and limbs that are less than 3 inches in diameter.

1. If trees are less than 30 feet in height, remove branches to a height from ground equivalent to 1/3 the height of the tree.

2. If trees are greater than 30 feet in height, remove branches to 10 or more feet from ground.

3. Combustible material shall be removed from the property when identified by the fire official.

Sec. 13A-4A. Duty to abate hazardous vegetation and combustible material.

Upon receipt of a notice of violation and order to abate, as discussed in Section 13A-7, 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 unincorporated territory of the County of Sonoma ~~as that territory is determined and classified by the board of supervisors~~ 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 Warden/Fire Marshal or her/his designee 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. ~~The removal of vegetation pursuant to this chapter shall not exceed that set forth in the notice of violation and order to abate.~~

The property owner, occupant and person in control of the land is responsible for the abatement and vegetation management (collectively referred to as "Owner"). Abatement and vegetation management in the Riparian Corridor Combining Zone streamside conservation area is subject to the allowed land uses, activities and permit requirements set forth in Chapter 26-65-040 of the Sonoma County Code or as prescribed in a notice of abatement. Owner shall also comply with all other federal, state and local laws, including environmental protection laws, and obtain permits when necessary.

~~The notice of violation and order to abate and any clearance shall conform to guidelines issued by the fire chief and which the fire chief may amend periodically.~~

~~The requirements of this section will be satisfied if the following requirements are met by the method described in a notice of violation and order to abate:~~

~~(c) Improved Properties~~

~~(d) Reserved~~

- ~~(e) Vegetation management requirements within a thirty-foot (or to the property line) defensible space radius around all structures:~~
- ~~a. Maintain roofs and gutters of any structure to be free of leaves, needles or other dead/dying vegetation or flammable materials.~~
 - ~~b. Maintain trees adjacent to or overhanging a structure free of dead/dying wood.~~
 - ~~c. Remove all portions of trees within ten feet (10') of chimney and/or stovepipe outlets.~~
 - ~~d. Climbing vines must be maintained to be free of dead and dying materials or removed from trees and structures.~~
 - ~~e. Remove combustible vegetation and debris on, below or adjacent to structures, decks, balconies, stairs or similar attachments.~~
 - ~~f. Relocate exposed firewood or lumber piles at least 20 feet from structures unless covered in a fire resistive material. Clear 10 feet around and 15 feet above flammable piles.~~
 - ~~g. Remove all dead branches, leaves and foliage from all trees, bushes and ground cover.~~
 - ~~h. Remove or separate live flammable ground cover and shrubs (ladder fuels) so that flames cannot be readily transmitted to trees or structures.~~
- ~~(f) Maintain a Reduced Fuel Zone from thirty to one hundred feet or to the property line from structures:~~
- ~~a. Reduce vegetation so that low-growing plants and branches (ladder fuels) are removed or separated so that they will not spread flame horizontally across the ground or vertically into the tree canopy. Fuels reduction will vary according to slope, fuel density, and fuel type. Large trees do not have to be cut and removed so long as all of the plants beneath them are maintained to provide the appropriate spacing.~~
 - ~~b. Live flammable ground cover less than 18 inches in height may remain, but overhanging and adjacent trees must be pruned to a height of 6 to 15 feet.~~
- ~~(g) Other Requirements:~~
- ~~a. From structures out one hundred feet or to the property line, whichever comes first:~~

~~erosion control. To avoid erosion, do not cut grasses to bare mineral soil.~~

~~d. — Remove low hanging tree branches and limbs that are less than 3 inches in diameter.~~

~~1. — If trees are less than 30 feet in height, remove branches to a height from ground equivalent to 1/3 of the height of the tree.~~

~~2. — If trees are greater than 30 feet in height, remove branches to 6 or more feet from~~

~~2. Maintain a ten foot minimum horizontal and 14 foot vertical clearance next to private roads and private driveways. More may be required as directed by the Fire Warden/Fire Marshal.~~

~~a. — Flammable vegetation and other combustible growth shall be removed;~~

~~b. — Dead and dying vegetation shall be removed;~~

~~c. — Dead and dying grasses and other weeds shall be trimmed to three inches (3") or less in height unless necessary for erosion control. To avoid erosion, do not cut grasses to bare mineral soil.~~

~~d. — Remove low hanging tree branches and limbs that are less than 3 inches in diameter.~~

~~1. — If trees are less than 30 feet in height, remove branches to a height from ground equivalent to 1/3 the height of the tree.~~

~~2. — If trees are greater than 30 feet in height, remove branches to 6 or more feet from ground.~~

~~3. — Combustible material shall be removed from the property when identified by the fire official.~~

~~(i) — The county fire chief or his or her designee may require more clearance distance than specified in the notice of violation and order to abate for the protection of public health, safety or welfare or the environment.~~

~~(j) — 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.~~

Sec. 13A-5. Enforcement, inspection and authority to enter property.

- (a) Pursuant to the board of supervisors' ~~prosecutorial~~ discretion, the board of supervisors may direct the ~~county~~ County Fire Warden/Fire Marshal ~~fire chief~~ to limit enforcement of the provisions of this chapter to specified areas in the unincorporated area for a specified period of time.
- (b) For the purpose of enforcing this chapter, the ~~county~~ County Fire Warden/Fire Marshal ~~fire chief~~ may designate any person or persons as his/her deputy in the performance of the duties enjoined upon him/her by this chapter, in addition to those named in Section 13A-3(d) of this chapter.
- (c) For the purpose of enforcing or administering this chapter, the ~~county~~ County Fire Warden/Fire Marshal ~~fire chief~~ may enter any real property for the purpose of inspecting the property or for summary abatement proceedings whenever the ~~county~~ County Fire Warden/Fire Marshal ~~fire chief~~ is informed or has reasonable cause to believe that hazardous vegetation or combustible material exists, constituting a condition dangerous or injurious to the health or welfare of persons or to the public, including the environment, is a public nuisance, or is otherwise in violation of this chapter.
- (d) No person shall interfere with ~~the entry of the~~ County Fire Warden/Fire Marshal ~~county fire chief~~ acting in the official course and scope of his duty.

Sec. 13A-6 – Summary abatement proceedings.

In addition to the authority granted by law to the County Fire Warden/Fire Marshal ~~county fire chief~~ in exigent situations, and pursuant to California Health and Safety Code §25845, as amended, the County Fire Warden/Fire Marshal ~~county fire chief~~ is authorized to enter real property and summarily abate any public nuisance determined by the County Fire Warden/Fire Marshal ~~county fire chief~~ to constitute an immediate threat to public health or safety without prior notice or hearing.

Sec. 13A-7. - Abatement proceedings.

Notice of Violation and Order to Abate. The Fire Warden/Fire Marshal is the enforcing officer for Chapter 13A and may enforce through the code enforcement administrative procedures set forth in Sonoma County Code Chapter 1. If the County Fire Warden/Fire Marshall determines that any real property is being maintained or permitted to exist in a manner prohibited by this chapter, the County Fire Warden/Fire Marshal ~~shall~~ may issue a written notice to the property owner and any known person in possession of the property as set forth in Sonoma County Section 1-7.3 through 1-7.6, of the violation and order the hazardous vegetation or combustible material to be immediately abated. The notice of violation and order to abate ("~~notice/order~~") shall specify the corrective actions required to be taken and order the property owners and persons in possession to abate the hazardous vegetation or combustible material within thirty (30) calendar days and state that the failure to bring the real property into compliance with this chapter could subject the owner or persons in possession to civil,

administrative and criminal penalties as set forth in Sonoma County Code Section 1-7 and 1-7.1 and as authorized in Public Resources Code section 4291.

Any person violating any provision of this chapter or any notice or order issued pursuant hereto shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) for each day or portion thereof that the violation continues to exist. In determining the amount of the civil penalty to impose, the Fire Warden/Fire Marshal shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, and any corrective action taken by the violator.

Sec. 13A-8 – Private right of action.

Any interested person may institute a civil proceeding for injunctive relief against such violation, for money damages, and for whatever other additional relief the court deems appropriate. In any action brought pursuant to this section, the prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedies available under this section shall be in addition to, and shall not in any way restrict, any other rights or remedies under law.

~~Furthermore, the notice/order shall provide the property owner and person in possession of the opportunity to appear before the Sonoma County Board of Supervisors and be heard prior to the abatement by the county. The failure of the notice to set forth all required contents shall not affect the validity of the abatement proceedings.~~

~~(b) Manner of Giving Notice. The County Fire Warden/Fire Marshal shall cause a copy of the notice/order to be mailed or otherwise delivered to all known persons to be in possession and to the property owner as such person's name and address appears on the last county equalized assessment roll. If the address is unknown, that fact shall be so stated and the notice shall be addressed to the person at the county seat. Service by mail shall be deemed complete at the time of deposit in the U.S. mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings.~~

~~(c) Appeals Hearing.~~

~~(1) Request for Hearing. Any person who is adversely affected by the notice/order may appeal the determination to a hearing officer appointed by the county pursuant to Sonoma County Code Sections 2-33.1 through 2-33.5.~~

~~(2) The request for a hearing must be made in writing and submitted to the enforcing officer within fifteen (15) calendar days of the postmark on the notice/order. Timely appeal shall stay any further action for abatement until the date set for hearing.~~

~~a. If no request for a hearing is timely made, the Sonoma County Board of Supervisors herein declares that abatement of the hazardous vegetation or~~

~~combustible material shall have been deemed ordered by the board of supervisors as of the date of the postmark of the notice/order.~~

~~(3) Hearing. Upon timely written request by the recipient of the notice/order, a hearing shall be scheduled with the hearing officer with notice thereof mailed or otherwise delivered to the requesting person at least fifteen (15) calendar days before the scheduled hearing. The failure of any owner or occupant to receive such notice shall not affect the validity of the proceedings.~~

~~a. At the time fixed in the notice of hearing, the hearing officer shall receive evidence from the County Fire Warden/Fire Marshal and the owner or person in possession of the real property in violation, or their representatives and any other concerned persons who may desire to present oral or documentary evidence regarding the conditions of the real property or other relevant matter, if such persons are present at the hearing. In conducting the hearing, the hearing officer shall not be limited by the technical rules of evidence. Failure of the owner or person in possession to appear shall not affect the validity of the proceedings or order issued thereon.~~

~~b. Upon conclusion of the hearing, the hearing officer shall make his/her decision and in the event he/she so concludes, may declare the conditions on the real property to be in violation of this chapter and to constitute a public nuisance. The hearing officer may direct the owner or person in possession to abate the hazardous vegetation or combustible material within ten (10) calendar days after mailing and posting of the hearing officer's decision. The order shall include notice that if the hazardous vegetation or combustible material is not abated as directed and within ten (10) calendar days, the County Fire Warden/Fire Marshal may abate the hazardous vegetation or combustible material and the abatement costs shall be a lien and an assessment against the real property.~~

~~c. The board may grant any extension of time to abate such conditions that it may deem justifiable upon good cause being shown.~~

~~(d) Abatement of Hazardous Vegetation or Combustible Material by County Fire Warden/Fire Marshal. If, at the end of the time allowed for compliance in the original notice/order issued pursuant to Section 13A-4 of this code, or as set forth in an order issued by the board after a timely request for a hearing pursuant to Section 13A-7 of this code, compliance has not been accomplished as directed, the County Fire Warden/Fire Marshal may order the hazardous vegetation or other combustible material to be removed by county fire officials or employees, 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.~~

~~(e) Abatement Cost Recovery. As set forth in Government Code Section 25845, the owner and any person in possession of the real property upon which the hazardous vegetation or combustible material is found to exist shall be jointly and severally liable for all abatement costs incurred by the county without any further hearing.~~

~~(1) Notice of Abatement Costs. At the conclusion of the abatement by the County Fire Warden/Fire Marshal or designee, the County Fire Warden/Fire Marshal shall issue a bill setting forth the abatement costs to the owner and~~

~~person in possession of the real property. The bill shall demand payment to the county of Sonoma the total abatement costs and administration costs, plus attorneys' fees, if relevant, within fifteen (15) calendar days of its mailing.~~

- ~~(2) — Abatement Costs Specially Assessed Against the Parcel. If the amount set forth in the notice of abatement costs is not paid upon demand by the county, the abatement costs, including attorneys' fees, if applicable, shall be specially assessed against the real property pursuant to Government Code Section 22845, or by any other means provided by law. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure of sale in case of delinquency as are ordinary county taxes.~~
- ~~(3) — Notice of Abatement Lien. A notice of abatement lien may be recorded against the real property subject to this abatement proceeding, setting forth the date upon which abatement of the nuisance was ordered either by notice issued by the County Fire Warden/Fire Marshal or by the board of supervisors after a hearing, the date the abatement was complete and the amount of abatement costs. Furthermore, the notice shall identify the parcel address, the record owner, the possessor of the property, if known and applicable, together with the last known address of the record owner or possessor. The abatement lien shall have the same effect as recordation of an abstract of a money judgment pursuant to Article 2 of Chapter 2 of Division 2 of Title 9 of Part 2 of the California Code of Civil Procedure (commencing with § 697.310, as amended). The lien has the same priority as a judgment lien on real property and continues in effect until released.~~
- ~~(f) — Attorneys' Fees. Reasonable attorneys' fees may be recovered by the prevailing party in any civil action, administrative proceeding or special proceeding established by this chapter. In the event a hearing is requested pursuant to the notice described above and the board of supervisors deems the real property to be a public nuisance and orders the County Fire Warden/Fire Marshal to abate the hazardous vegetation or combustible material, the county shall be deemed the prevailing party.~~

~~Sec. 13A-8. — Hearing official.~~

- ~~(a) — Delegation of Authority. The Sonoma County Board of Supervisors may delegate its authority to conduct the administrative abatement proceedings set forth in Section 13A-6, above, to either of the following:~~
 - ~~(1) — The county hearing officer appointed by the board of supervisors pursuant to Sonoma County Ordinance No. 643 and Government Code Section 27720, as amended. The hearing officer shall have full authority and duty to preside over hearings in the manner set forth in Sonoma County Ordinance No. 643, as amended.~~
 - ~~(2) — A weed abatement hearing board (WAHB) designated pursuant to Government Code Section 25845, as amended. The WAHB shall have full authority to act and may preside over hearings with the same authority, power and duties of the hearing officer. The WAHB shall be comprised of three (3) persons as follows:~~

~~one (1) member shall be an officer of the County of Sonoma Fire Prevention and Hazardous Materials Division selected by the County Fire Warden/Fire Marshal; (but not an employee involved in inspecting or issuing the notice/order; and two (2) members shall be selected by the board of supervisors. members shall serve at the pleasure of the appointing entity.~~

- ~~(b) — Recommended Action. At the conclusion of a hearing by either the hearing officer or WAHB, a recommended decision shall be issued to the owner or person in possession of the real property subject to the hearing, and to any other interested person previously requesting notice. The hearing officer or WAHB shall also file the recommended decision with the board of supervisors. The recommended decision may alter the notice/order in any fashion and may include an order to the owner or person in possession of the real property to abate the hazardous weeds or combustible material within ten (10) calendar days of issuance of the order.~~
- ~~(c) — No Further Appeal. Upon receiving the recommended decision from either the hearing officer or WAHB, the board of supervisors may adopt the decision as recommended on the consent agenda at its next regularly scheduled public board meeting without further notice or hearing, or may set the matter for a de novo hearing before the board of supervisors.~~

~~Sec. 13A 9. Other remedies.~~

~~The provisions of this chapter are to be construed as an added remedy of abatement and not in derogation of any other civil or criminal actions or proceedings or remedies otherwise provided by law.~~

~~(a) — Civil Actions.~~

- ~~(1) — Injunctive Relief and Abatement. Whenever, in the judgment of the county fire chief, any person is engaged in or about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter or notice or order issued pursuant hereto, the county fire chief may request the county counsel or district attorney to commence proceedings for the abatement, removal, correction and enjoinder thereof, and requiring the violator to pay civil penalties and/or abatement costs or in addition, be subject to criminal prosecution.~~
- ~~(2) — Civil Remedies and Penalties. Any owner or person in possession of real property who willfully violates the provisions of this chapter or any notice or order issued pursuant hereto shall be liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) for each day or portion thereof that the violation continues to exist. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator.~~

~~(b) — Criminal Actions.~~

- ~~(1) It shall be unlawful for any person to violate any provision of this chapter. Any person violating any provision of this chapter shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this chapter is committed, continued or permitted.~~
- ~~(2) Any person so convicted shall be guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site and perpetrated by the same person. The third and any additional violations on the same site and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation. Notwithstanding the above, a first or second offense may be charged as a misdemeanor.~~
- ~~(c) Treble Damages. Upon a second or subsequent civil or criminal judgment for a violation of this chapter within a two year period the violator shall be liable to the county of Sonoma for treble the abatement costs, in accordance with Government Code § 25845.5.~~
- ~~(d) Notice of Noncompliance. Whenever a notice/order has been issued, the County Fire Warden/Fire Marshal may record a notice of noncompliance with the office of the county recorder of Sonoma County and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the noncomplying conditions, and shall state that any abatement costs incurred by the county as a result of the violation of this chapter may be specially assessed as a lien on the property and that the owner has been so notified.~~

Section II. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. The provisions of this Code shall not be construed as imposing upon the County of Sonoma any liability or responsibility for damages to persons or property resulting from defective work, nor shall the County of Sonoma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this Code of any permits or certifications issued under this Code.

Section IV. Environmental Review. The Board has considered the application of CEQA to this ordinance. The Board finds this ordinance exempt pursuant to CEQA Guidelines 15307 and 15308 in that the standards set forth in the ordinance are authorized by state

law to assure the maintenance, restoration, enhancement or protection of natural resources and the environment. In addition, the Board of Supervisors finds and determines that this ordinance is exempt from CEQA pursuant to Section 15304(i) (minor alterations to land and specified fuels management activities), Section 15308 (actions taken as authorized by local ordinance to assure protection of the environment); and the common-sense exemption Section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there is no possibility that the proposed modifications and clarifications to vegetation management standards, which are already substantially in extant and in practice, may have a significant effect on the environment. This finding and determination is based on the environmental determination of the Permit and Resource Management Department for this ordinance. The Director of Permit and Resource Management Department is directed to file notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section V. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 21st day of April, 2020, and finally passed and adopted this 28th day of April, 2020, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Rabbitt: Zane: Gore: Hopkins: Gorin:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors