

ORDINANCE NO. 10750 (N.S.)
AN ORDINANCE AMENDING CHAPTER 4 OF DIVISION 8 OF TITLE 6
OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES
RELATED TO DEFENSIBLE SPACE REQUIREMENTS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the purpose of this ordinance is to amend the San Diego County Code of Regulatory Ordinances ("County Code") to prohibit the accumulation of Combustible Materials that may be injurious to the health, safety, and general welfare of the public. The ordinance will ensure Defensible Space for fire suppression personnel to operate, provide greater protection to Improvements from oncoming wildfires, and allow for public nuisance abatement and/or administrative remedies when Responsible Parties allow such materials to accumulate in violation of this ordinance.

Section 2. Section 68.401 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 68.401. FINDINGS.

The Board of Supervisors makes the following findings and declarations:

The accumulation of Combustible Materials on private property is hereby found to create a fire hazard that may be injurious to the health, safety, and general welfare of the public. These conditions constitute a public nuisance that may be abated in accordance with the provisions of this chapter. The requirements in this chapter shall apply in addition to any other regulating statutes and ordinances heretofore or hereafter enacted by the State, the County of San Diego, or any other legal entity or agency having jurisdiction, including the San Diego County Consolidated Fire Code (CFC), California Public Resources Code and California Food and Agricultural Code. In the event of a conflict between the CFC and this chapter, this chapter shall prevail.

Section 3. Section 68.402 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 68.402. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- (a) "CLERK" means the Clerk or Secretary of the Board of Supervisors or Board of Directors of the Enforcing Agency.
- (b) "COMBUSTIBLE MATERIALS" means materials that will readily ignite, burn and transmit fire from the item to any structure or other material, including, but not limited to:
 - i. Combustible Vegetation, as defined herein.

- ii. Dead, dying, or diseased trees, which includes, but is not limited to, pest or pathogen infested trees, abandoned or neglected groves or other trees in a dying condition or no longer living.
 - iii. Green waste, which means organic material that includes, but is not limited to, dry grass, brush, weeds, yard trimmings, plant waste, manure, untreated wood wastes, paper products, natural fiber products, mulch and compost.
 - iv. Rubbish, which means waste material including, but not limited to, waste paper and debris from construction or demolition. For the purposes of this chapter, the term "rubbish" does not include putrescible material, or material that is rapidly decomposable by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.
- (c) "COMBUSTIBLE VEGETATION" means material that in its natural state will readily ignite, burn, and transmit fire from native or landscape plants to any structure or other vegetation. Combustible Vegetation does not include vegetation that is well pruned and maintained so as to effectively prevent the risk of fire ignition or transmission between vegetation and/or structures.
- (d) "DEFENSIBLE SPACE" is an area either natural or man-made, where Combustible Materials have been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur. Except where otherwise indicated, Defensible Space shall be measured on a horizontal plane.
- (e) "ENFORCING AGENCY" means the fire protection or municipal water district having authority to administer and enforce this chapter through enactment of a district ordinance adopting this chapter by reference.
- (f) "FIRE CODE OFFICIAL" means the Fire Warden of the Enforcing Agency or his/her authorized representative, or other person designated by law, appointment or delegation and charged with the administration and enforcement of this chapter.
- (g) "IMPROVEMENT" means any building or structure, permanent or temporary, that requires a permit and is erected for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. For purposes of this chapter, "Improvement" shall not include sheds less than 120 square feet that do not require a construction permit, gazebos, freestanding open-sided shade structures and similar accessory

structures less than 250 square feet and 30 feet or more from a dwelling, and fences more than 5 feet from a dwelling.

- (h) "PARCEL" means any contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person or entity.
- (i) "RESPONSIBLE PARTY" includes, but is not limited to, any person, firm, partnership or corporation owning, renting, leasing, occupying, or otherwise controlling any Parcel subject to this chapter.

Section 4. Section 68.403 of the San Diego County Code of Regulatory Ordinances is hereby titled:

SEC. 68.403. APPLICABILITY OF THIS CHAPTER.

Section 5. Section 68.403 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 68.403. APPLICABILITY OF THIS CHAPTER.

- (a) This chapter shall be applicable in the unincorporated territory of the County of San Diego outside of fire protection districts or municipal water districts that provide fire protection services, and within the San Diego County Fire Protection District. It shall be administered by the Enforcing Agency's Fire Code Official and enforced pursuant to the County's Public Nuisance Abatement Procedure contained in Chapter 2 of Division 6 of Title 1 (commencing with Section 16.201) and/or the Administrative Remedies contained in Division 8 of Title 1 (commencing with 18.101) of the San Diego County Code and/or any other procedure permitted by law.
- (b) This chapter shall be applicable in the unincorporated territory of the County of San Diego within a fire protection district or municipal water district that provides fire protection service, if the district has adopted this ordinance by reference through enactment of its own district ordinance. In such cases the district shall be the Enforcing Agency with sole enforcement authority, except to the extent the County or another district accepts enforcement responsibility through a Memorandum of Understanding (MOU).

Section 6. Section 68.404 of the San Diego County Code of Regulatory Ordinances is hereby titled:

SEC. 68.404. DEFENSIBLE SPACE REQUIREMENTS.

Section 7. Section 68.404 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 68.404. DEFENSIBLE SPACE REQUIREMENTS.

- (a) **Defensible Space for Improvements.** Each Responsible Party shall maintain 100 feet of Defensible Space extending from the exterior perimeter of any Improvement, pursuant to the requirements outlined in the table below. In

addition, each Responsible Party shall maintain vertical clearance around any Improvement, including removing any overhanging tree branches, shrubs, or other plants, and clearing Combustible Materials from rooftops and gutters.

| Zone | Feet from Improvement | Vegetation Types | Vegetation Density | Trees | Plant Limbing | Firewood |
|------|-----------------------|----------------------------|------------------------------------|--|---|---|
| 1 | 0' – 5' | Drought and Fire-Resistant | Sparse | Prohibited | Not applicable | Prohibited |
| 2 | 5' – 50' | See Zone 1 | Moderate | Min. 10' horizontal distance between tree crowns*, or any between tree crowns and chimneys, stovepipes, or improvements. | For vegetation greater than 18' tall, branches must be limbed and maintained up to 6'. For vegetation shorter than 18' tall, branches must be limbed and maintained to 1/3 of the height of the vegetation. | Min. 30' from all improvements; min 10' from property lines; stacking under tree canopies prohibited. |
| 3 | 50' – 100' | See Zone 1 | No more than 50% of square footage | See Zone 2 | See Zone 2 | See Zone 2 |

*Tree crowns means the primary and secondary branches growing out of the main stem of a tree, together with twigs and foliage.

- (b) Defensible Space along Roads and Driveways. Each Responsible Party shall maintain a minimum of 10 feet of Defensible Space from each side of a driveway or a public or private road adjacent to the Parcel, though up to 20 feet may be required by the Fire Code Official. If more than 10 feet of Defensible Space is required, the Fire Code Official shall notify the Responsible Party in writing and provide the basis for the requirement. In addition, all fire apparatus access roads shall have unobstructed vertical clearance of not less than 13.5 feet.
- (c) Defensible Space for Liquid Petroleum Gas Tanks or Containers. Each Responsible Party shall maintain a minimum of 10 feet of Defensible Space from all liquid petroleum gas tanks or containers with a greater than 50 lbs, or 11.4-gallon, capacity. For the purposes of this chapter, liquid petroleum gas shall mean a material composed predominantly of one or more of the following hydrocarbons: propane, propylene, butane (normal butane or isobutane) and butylenes.
- (d) Additional Defensible Space. The Fire Code Official may determine additional Defensible Space beyond the requirements of subsections (a), (b), and (c) of this section is necessary to protect property or the health,

safety and welfare of residents of the vicinity. If the Fire Code Official determines additional Defensible Space is required, the Fire Code Official shall notify the Responsible Party in writing and provide the basis for the requirement.

Section 8. Section 68.405 of the San Diego County Code of Regulatory Ordinances is hereby titled:

SEC. 68.405. REMOVAL OF COMBUSTIBLE VEGETATION.

Section 9. Section 68.405 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 68.405. REMOVAL OF COMBUSTIBLE VEGETATION.

- (a) The removal of Combustible Vegetation shall be done using methods such as mowing, cutting, grazing and trimming that leave the plant root structure intact to stabilize the soil and prevent erosion. Removed trees shall have the stumps cut no higher than eight inches above the ground. Any chipping of trees or vegetation that is done onsite may be allowed to remain so long as it is dispersed over an area not to exceed six inches in depth. If the Fire Code Official determines that difficult terrain, danger of erosion, or other unusual circumstances make strict compliance with this section undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.
- (b) Areas where Combustible Vegetation is removed may be re-planted with single specimens of trees, fire-resistant ornamental shrubbery, and other fire-resistant planting materials or cultivated ground covers which do not form a means of rapidly transmitting fire from native or landscape plants to any improvement or other vegetation, to the Fire Code Official's satisfaction. Re-planting may be required for erosion control.
- (c) The removal of Combustible Vegetation shall be carried out in conformance with all federal, state and local environmental laws, regulations and agreements including, but not limited to, the Endangered Species Act, the Memorandum of Understanding between the Fish and Wildlife Service of the United States Department of the Interior, the California Department of Fish and Wildlife, the California Department of Forestry and Fire Protection, the San Diego County Fire Chief's Association, and the Fire District's Association of San Diego County and the San Diego County regulations regarding grading, clearing and watercourses found in Division 7 of Title 8 of the San Diego County Code.

Section 9. Section 68.406 of the San Diego County Code of Regulatory Ordinances is hereby repealed and reserved.

Section 10. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published

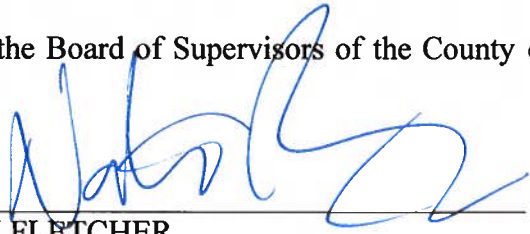
Meeting Date 10/19/2021 (5)

once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: SUEDY ALFARO, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 19th day of October 2021.



NATHAN FLETCHER
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 19th day of October 2021.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Nancy Vizcarra, Deputy



Ordinance No.: 10750 (N.S.)
Meeting Date: 10/19/2021 (05)