

Fire Hazard Abatement Recommended Process (Weed and Rubbish Abatement)



Tulare County Ordinance
Part IV, Safety and Sanitation
Chapter 11. Fire Hazardous Weeds and Rubbish

Hazard Abatement Program Goals

- ▶ Identify properties with flammable and combustible materials, such as grass and rubbish, which create a threat to life and structures should a fire occur.
- ▶ Work collaboratively with property owners to abate fire hazards on their property.
- ▶ Reduce the instance of fires on properties where fire hazards have been identified.
- ▶ Reduce the cost to the County for suppressing unwanted fires.
- ▶ Reduce the probability of injuries and loss of life as a result fires on properties where hazards have been identified.

Current Process

- ▶ Initial inspections by station personnel in April or May of each year depending on the potential for fire activity. Fire Hazard Complaint & Inspection Reports are submitted to the Hazard Abatement Officer for all violations.
- ▶ Hazard Abatement Officer checks Assessor Parcel Number (APN) for Owner information. (Assessor Inquiry)
- ▶ Notice of Violation letters are mailed to the property owners by regular mail.
 - ▶ The property owner may within seven (7) business days of the date on the Notice of Violation letter, request, in writing, to the Board of Supervisors a hearing to appeal the violation.

Current Process (continued)

- ▶ The second inspection is completed no less than fifteen (15) business days after the date the letter was mailed.
- ▶ Hazard Abatement Officer may assign a contractor to abate the hazard if the hazard was not abated by the property owner.
 - ▶ The decision to assign a contractor to abate the hazard is based on the probability damage will occur to the property of others should a fire occur.
 - ▶ The Hazard Abatement Officer will inspect the property and verify the location of the property prior to assigning the case to a contractor.
- ▶ The Hazard Abatement Officer will inspect the property after the contractor has abated the hazard to ensure the work was completed according to standards.



Charlie Norman
FIRE CHIEF

TULARE COUNTY FIRE DEPARTMENT

835 S Akers St, Visalia, CA 93277 - Phone (559) 802-9800 - Fax (559) 687-6919

January 23, 2018

CASE # 17- [REDACTED]

[REDACTED]

VISALIA CA 93277

Your property located at [REDACTED] Assessor's Parcel Number [REDACTED] was inspected on 2/23/2018, and found to be in violation of Tulare County Ordinance Code Section 4-11-1055 which states:

"Weeds, grass, rank growths, and combustible rubbish growing or accumulating upon private property which do, or will when dry, create a fire hazard and which by virtue thereof constitute a danger to neighboring property or the health or welfare of the residents of the vicinity are hereby declared to constitute a public nuisance which may be abated in accordance with the provisions set forth in Chapter 11 of Part IV of the Tulare County Ordinance."

You may, within seven (7) business days after mailing or personal delivery of this notice, make a request in writing to the Clerk of the Board of Supervisors of the County of Tulare for a hearing to appeal the determination. Your request should state the property address and Assessor's Parcel Number.

If you do not correct the fire hazardous condition or request a hearing before the Board of Supervisors, the County Fire Warden will abate the nuisance or issue a citation, not less than fifteen (15) business days after the date said notice was mailed or personally delivered.

The cost of such abatement, plus an administrative fee of \$348.00, may be made a special assessment added to the County assessment roll and become a lien on the real property, or placed on the unsecured tax roll.

To comply with the Tulare County Fire Hazardous Weeds and Rubbish Ordinance, it will be necessary that you take the following action:

REMOVE ALL FLAMMABLE WEEDS, GRASS, TREE STUMPS AND TREE TRIMMINGS FROM ENTIRE PARCEL. DO NOT BURN. IF A FIRE OCCURS ON YOUR PROPERTY, YOU MAY BE HELD LIABLE FOR THE FIRE SUPPRESSION COSTS.

PLEASE DISREGARD IF YOU HAVE MET THE REQUIREMENTS OF THIS LETTER.

If you no longer own the above-described property, or if you have questions, please call your local Tulare County Fire Station or Cyndi Adney at the Tulare County Fire Department Headquarters, (559) 802-8819.

Respectfully,

Cyndi Adney, Inspector/Hazard Abatement Officer
Fire Prevention Bureau

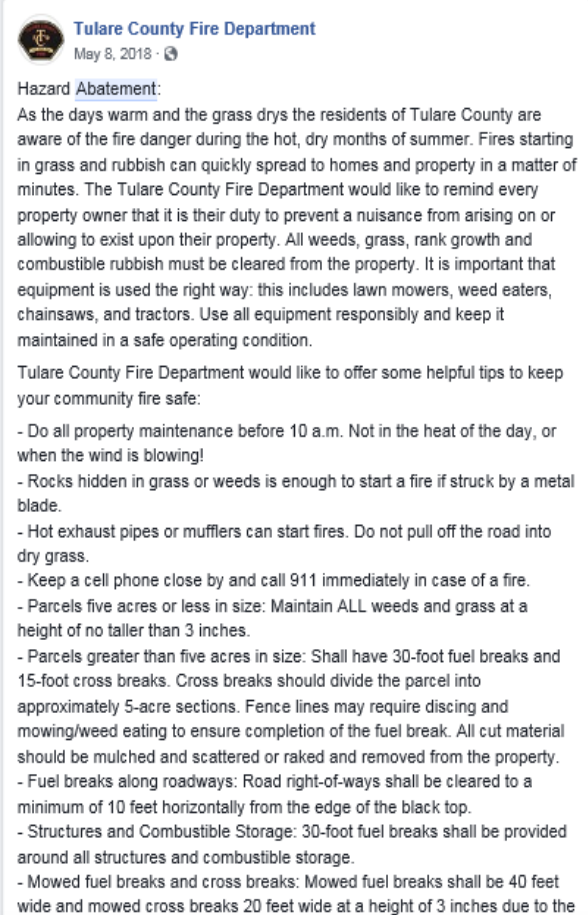
Example of current letter sent to property owners.

Recommended Changes to Improve Abatement Process

JET4

1. Increase Public Service Announcements to include other media channels when releasing the Department's inspection timelines each year.
2. Minor revisions to the ordinance to clean up statutory references and clarify process and authorities JET7
3. Use Proofs of Service when mailing Final Notices and/or Administrative Citations to property owners.
4. Use of Administrative Citations. JET3
5. Send a "Final Notice" to property owners.
6. Utilize a competitive procurement process to develop a list of potential contractors who might be willing to do abatement work in various areas of the County and clarify line item details required on statements of expense.

Example of Prior Social Media Notification



Tulare County Fire Department
May 8, 2018 · 🌐

Hazard Abatement:
As the days warm and the grass dries the residents of Tulare County are aware of the fire danger during the hot, dry months of summer. Fires starting in grass and rubbish can quickly spread to homes and property in a matter of minutes. The Tulare County Fire Department would like to remind every property owner that it is their duty to prevent a nuisance from arising on or allowing to exist upon their property. All weeds, grass, rank growth and combustible rubbish must be cleared from the property. It is important that equipment is used the right way: this includes lawn mowers, weed eaters, chainsaws, and tractors. Use all equipment responsibly and keep it maintained in a safe operating condition.

Tulare County Fire Department would like to offer some helpful tips to keep your community fire safe:

- Do all property maintenance before 10 a.m. Not in the heat of the day, or when the wind is blowing!
- Rocks hidden in grass or weeds is enough to start a fire if struck by a metal blade.
- Hot exhaust pipes or mufflers can start fires. Do not pull off the road into dry grass.
- Keep a cell phone close by and call 911 immediately in case of a fire.
- Parcels five acres or less in size: Maintain ALL weeds and grass at a height of no taller than 3 inches.
- Parcels greater than five acres in size: Shall have 30-foot fuel breaks and 15-foot cross breaks. Cross breaks should divide the parcel into approximately 5-acre sections. Fence lines may require discing and mowing/weed eating to ensure completion of the fuel break. All cut material should be mulched and scattered or raked and removed from the property.
- Fuel breaks along roadways: Road right-of-ways shall be cleared to a minimum of 10 feet horizontally from the edge of the black top.
- Structures and Combustible Storage: 30-foot fuel breaks shall be provided around all structures and combustible storage.
- Mowed fuel breaks and cross breaks: Mowed fuel breaks shall be 40 feet wide and mowed cross breaks 20 feet wide at a height of 3 inches due to the

Slide 6

JET3 I added this recommendation 5 here because the use of the final notice is new as well. I thought it would make sense to have this overview of all potential changes, with a highlight on the final notice and admin citations portions in the next few slides.

Jennifer E Takehana, 4/22/2019

JET4 Added

Jennifer E Takehana, 4/22/2019

JET7 We are also clarifying your authority

Jennifer E Takehana, 4/22/2019

Final Notice (New Process)

- ▶ Send a Final Notice letter to the property owner after the Hazard Abatement Officer has determined the hazard has not been abated by the time specified on the original Notice of Violation letter. The letter will include the following information:
 - ▶ Failure to abate the hazard within ten days (10) of the Final Notice will result in an Administrative Citation being issued. Explain the fine schedule.
 - ▶ A property owner will be held liable for suppression costs, should a fire occur on their property, per section 13009 and 13009.1 of the Health & Safety Code.
 - ▶ The Final Notice letter will be sent using a confirmation of delivery from the Post Office.

Administrative Citations (New Process)

- ▶ Administrative Citations would be issued under Part 1, Chapter 23 of the Ordinance Code.
- ▶ Administrative Citation Fine Schedule
 - ▶ \$100.00 for the first offense (Administrative fines accrue JET2 after the party given a reasonable time to abate- likely after issuance of the Final Notice).
 - ▶ \$200.00 for the second offense of the same violation within the same year.
 - ▶ \$500.00 for the third offense of the same violation within the same year.
- ▶ Comparison to neighboring Counties (Fresno, Kern, Kings) and City of Visalia.

Slide 8

JET2 I suggested changing the language a bit, since you might actually be issuing the Notice of Violation (for the citation) when you issue your first Notice of Violation for the abatement. The fines just can't accrue for 30 days, which will likely occur after you've issued a final notice

Jennifer E Takehana, 4/22/2019

Recommended Process for Abatement Actions Moving Forward

1. Public outreach via multiple channels (Expansion on current process).
2. Inspect property for compliance (Current process).
3. Send Notice of Violation letter, with information about potential administrative citations (Expansion on current process).
4. Second inspection of property for compliance (Current process).
5. Send Final Notice letter (New process).
6. Issue Administrative Citation(s) (New process).
7. In the event of a fire on a non-compliant property, the property owner will be held liable for the suppression costs of that fire, per section 13009 and 13009.1 of the Health & Safety Code (New process).
8. In cases of extreme hazard and non-compliance, utilize Contractor to abate property (Revisions of current process).

JET5

JET6

Slide 9

- JET5** The initial NOV should mention the potential admin citations if you want to be able to start charging after you send your final notice letter and after the reasonable time for abatement has passed
Jennifer E Takehana, 4/22/2019
- JET6** I'm suggesting language to clarify that you are "revising" the current process, but utilizing a contractor to abate only certain extreme properties. The word expansion here might be interpreted to mean that you plan to do MORE abatements, or expand the types of abatements that you do
Jennifer E Takehana, 4/22/2019

Questions