

Tuolumne County
Administration Center
2 South Green Street
Sonora, California 95370
Phone (209) 533-5521



Heather Ryan
Clerk of the Board
of Supervisors

Fax (209) 533-654

Fire Safety Advisory Committee Agenda June 22, 2022 @ 10:30 am

**Board of Supervisors Chambers
4th Floor, 2 S. Green Street Sonora Ca 95370**

1. Call to order. Roll call
2. Public Comment – public has opportunity to comment for 3 minutes on anything not already on agenda.
3. Approval of minutes for Meeting May 25, 2022
4. Old Business
5. Reports/Presentations
 - a. TCAR presentation on insurance survey to collect more in-depth information about the Homeowners Fire Insurance issues currently faced by homeowners within Tuolumne County.
<https://www.surveymonkey.com/r/TCAR2022HomeownersInsurance>
 - b. Presentation on draft comment letter to the California Insurance Commissioner regarding Notice of Investigatory Hearing into the California Fair Plan.. <http://www.insurance.ca.gov/0250-insurers/0300-insurers/0200-bulletins/bulletin-notices-commiss-opinion/upload/NOTICE-OF-INVESTIGATORY-HEARING-INTO-THE-CALIFORNIA-FAIR-PLAN-ASSOCIATION.pdf>.
Approve recommendation to Board of Supervisors to approve and submit a comment letter.
6. New Business
 - a. Discussion and approval of moving meetings to virtual temporarily in an effort to ensure quorum.
7. Working group updates and recommendations for approval.
 - i. Communication and Education Outreach workgroup
 - ii. Governance workgroup
 1. Discussion and approval of recommended language changes from approved 1st draft dated 20220511 to amend the Draft Hazardous Vegetation Management Ordinance and submit 2nd draft recommendations to Board of Supervisors.
 - iii. Emergency Planning workgroup
8. Adjourn
 - a. **Next Regular Fire Safety Advisory Committee Meeting – July 27th @ 10:30 am**

PUBLIC PARTICIPATION PROCEDURES

In accordance with Government Section 54954.3(a), the public may comment on any item on the agenda. You may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (oes@co.tuolumne.ca.us) for retention as part of the administrative record. Comments will not be read during the meeting. Comments must be received by the County Administrative Office no later than 9:00 AM on the day of the noticed meeting.



RICARDO LARA
CALIFORNIA INSURANCE COMMISSIONER

June 10, 2022

IH-2022-00001

NOTICE OF INVESTIGATORY HEARING INTO THE CALIFORNIA FAIR PLAN ASSOCIATION

Insurance Commissioner Ricardo Lara will convene an investigatory hearing pursuant to California Insurance Code section 12924 to gather evidence and ascertain the facts regarding operations, policies and procedures of the California FAIR Plan Association (FAIR Plan) to inform actions needed for it to evolve to meet the changing needs of California consumers.

As the "insurer of last resort" established in 1968 by the Governor and Legislature to serve all Californians, the FAIR Plan's fundamental mission since its founding is to meet the needs of California homeowners and businesses unable to find insurance in the traditional marketplace, as codified in Insurance Code sections 10090 through 10100.2. The FAIR Plan is a joint reinsurance association formed by all insurers licensed to write property insurance in California. The impetus for this hearing are persistent concerns raised by consumers, businesses, insurance producers, elected officials, and the Commissioner about the FAIR Plan's internal operations and external factors including but not limited to the need for greater liability coverage for homes and businesses, the need for increased personnel and resources, the handling of smoke claims, higher commercial coverage limits, and interpretation of underwriting guidelines, among other factors. The FAIR Plan must be held to the highest standards of service and consumer protection and continue to evolve with the changing times in order to remain relevant, available, and ready to meet continued consumer needs.

The investigatory hearing will explore (1) the concerns and changing needs of California consumers, organizations, businesses, and brokers, and (2) what additional changes are needed to the FAIR Plan's operations, governance, business practices, and coverage offerings to enable it to continue to meet those needs far into the future.

Prior to the investigatory hearing, the Commissioner will communicate with stakeholders and other interested persons inviting them to provide information in response to the Commissioner's specific questions in advance of the hearing.

The Commissioner may issue subpoenas pursuant to California Insurance Code section 12924(a) for documents and live testimony in advance of the public hearing. Whether the Commissioner will issue subpoenas will depend upon the extent to which stakeholders are able to voluntarily provide him with comprehensive answers to his specific questions.

Date, Time and Location

Date: Wednesday, July 13, 2022

Time: 9:00 a.m.

The investigatory hearing shall continue until all in attendance wishing to provide comments have commented, or 5:00 p.m.

Location: California Department of Insurance
1901 Harrison Street, 3rd Floor - Room # 30000
Oakland, California 94612

Register to Attend (In-Person or Virtual)

Please use the following link to register to attend either in-person or virtually:
https://us06web.zoom.us/webinar/register/WN_pfJlvNzAQSyN6Mwx3N12JA

ATTENDANCE

This hearing will be open to the public. To increase public participation, interested parties are invited to attend virtually or in-person, and offer comment, if they so choose. Please be advised that in-person attendance at the hearing may be limited or curtailed, depending upon any state or local restrictions on public gatherings that may be in effect at the time of the hearing, or due to COVID-19 transmission control precautions implemented by the Department.

The facility for this hearing is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the logistical contact person for these hearings (listed below) in order to review available accommodations, if necessary.

WRITTEN COMMENT

All persons are invited to submit written comments to the Commissioner by July 13, 2022. Please direct all written comments to the following contact person:

Abigail Meraz
Staff Services Analyst
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Email: Abigail.Meraz@insurance.ca.gov

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the e-mail address set forth above. **Comments sent to e-mail addresses other than those designated in this notice will not be accepted. Comments sent by e-mail are subject to the deadline set forth above for written comments.**

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), your written and oral comments, and associated contact information (e.g., your address, phone number, e-mail, etc.) become part of the public record and can be released to the public upon request.

NOTICE OF INVESTIGATORY HEARING INTO THE CALIFORNIA FAIR PLAN ASSOCIATION

Page 3 of 3

June 10, 2022

CONTACT PERSONS

All substantive questions and concerns regarding this hearing should be directed to Jason S. Y. Gatchalian. All logistical inquiries should be directed to Abigail Meraz.

Logistical Inquiries

Abigail Meraz

Staff Services Analyst

California Department of Insurance

300 Capitol Mall, 17th Floor

Sacramento, CA 95814

Phone: (916) 492-3507

Abigail.Meraz@insurance.ca.gov

Substantive Inquiries

Jason S. Y. Gatchalian

Attorney IV

California Department of Insurance

300 Capitol Mall, 17th Floor

Sacramento, CA 95814

Phone: (916) 492-3920

Jason.Gatchalian@insurance.ca.gov



RICARDO LARA
CALIFORNIA INSURANCE COMMISSIONER

NOTICE

TO: All Licensed Brokers Registered with the California FAIR Plan

FROM: Commissioner Ricardo Lara

DATE: March 11, 2022

RE: Coverage with the FAIR Plan When Basic Property Insurance Is Unavailable in the Normal Market

Insurance Code section 10090(d) makes it clear that, as the insurer of last resort, the California FAIR Plan ("FAIR Plan") was created and is responsible for insuring qualified properties for which basic property insurance is unavailable in the normal insurance market. FAIR Plan issued a Bulletin to FAIR Plan brokers, dated November 23, 2021, attached, about the availability of basic property insurance in the normal market. California Insurance Code section 10090(d) requires the FAIR Plan to make available basic property insurance when it cannot be obtained through the normal insurance market. The normal insurance market includes both admitted insurers and licensed surplus line brokers.

Insurance Code sections 10090(c) and 10093(a) emphasize that persons seeking basic property insurance are to be encouraged to obtain insurance in the normal market, and FAIR Plan and registered brokers should encourage those insured by FAIR Plan to periodically search the normal market for coverage. However, FAIR Plan Order MI-2016-00021, attached, makes it clear that persons seeking basic property insurance, and the registered brokers that represent them, "need not show that they have unsuccessfully attempted to obtain insurance through the normal market...because the Commissioner finds that this erects an artificial barrier preventing or delaying consumers from obtaining coverage".

Although FAIR Plan may require brokers submitting applications to the FAIR Plan to e-certify that a diligent search of the normal insurance market was made and that basic property insurance was unavailable for the client to purchase, it is the view of the Department that brokers are not statutorily required to prove to FAIR Plan that their search was "diligent" or that insurance in the normal market was "unavailable." The FAIR Plan statutes in the Insurance Code do not define the words "diligent" or "unavailable." The Department considers insurance in the normal market to be "unavailable" if, for example, it is unaffordable to the applicant.

Please share this information with other brokers who handle FAIR Plan business.



TO: Registered FAIR Plan Brokers

FROM: California FAIR Plan

DATE: Tuesday, November 23, 2021

SUBJECT: **FAIR Plan is Insurer of Last Resort**

This is an important reminder that the FAIR Plan is the insurer of last resort.

California Insurance Code section 10090(d) states that coverage is available for property insurance at the FAIR Plan that cannot be obtained through the normal insurance market. The code defines the normal insurance market as both admitted insurers and licensed surplus line brokers.

Risks should be submitted to the FAIR Plan for coverage after a diligent search of the normal insurance market has been made. A diligent search is mandated under California Insurance Code section 10093(a).

In accordance with your license requirements, brokers are required to comply with these insurance laws.

Please note, brokers submitting applications to the FAIR Plan will be required to e-certify that a diligent search of the normal insurance market was made pursuant to California Insurance Code Sec. 10093(a) and the applicant was unable to obtain basic property insurance through normal channels.

While we recognize that there have been changes in the market recently, a nonrenewal by an existing carrier does NOT automatically qualify a risk for a policy with the FAIR Plan.

If the client is placed with the FAIR Plan after a diligent search, another search of the market should be conducted annually in advance of the renewal.

This search should be a part of the discussions held with your clients regarding coverage options and available limits of coverage.

Please share this information with everyone in your office who handles FAIR Plan business.

CONFIDENTIALITY NOTICE: This document is intended for internal use only by the California FAIR Plan Association (the FAIR Plan) and brokers placing business with the FAIR Plan. Please share this document only with your employees who work with FAIR Plan policyholders.

1 **BEFORE THE INSURANCE COMMISSIONER**
2 **OF THE STATE OF CALIFORNIA**

3
4 In the Matter of

File No. MI-2016-00021

5 THE CALIFORNIA FAIR PLAN
6 ASSOCIATION

ORDER

7
8 **WHEREAS**, California Insurance Code (CIC) Section 10090(b) specifies that one
9 purpose of the California FAIR Plan Association ("FAIR Plan") is to assure the availability in
10 California of "basic property insurance" defined in CIC Section 10091(c) as "insurance against
11 direct loss to real or tangible personal property at a fixed location in those geographic or urban
12 areas designated by the commissioner, from perils insured under the standard fire policy...".

13 **WHEREAS**, CIC Section 10091(c) identifies the perils that FAIR Plan shall, at a
14 minimum, cover, but does not state whether that coverage shall be offered on an actual cash value
15 basis or on a replacement cost basis.

16 **WHEREAS**, FAIR Plan's dwelling coverage currently does not offer as optional
17 coverages 1) replacement cost coverage for contents; or 2) separate debris removal coverage.

18 **THEREFORE**, it is ordered that FAIR Plan revise its basic property insurance policy to
19 offer, as optional coverages, replacement cost coverage for contents in an amount not to exceed
20 the contents policy limit of liability, and debris removal in an amount not to exceed 5% of the
21 combined limits of liability of Coverages A, B and C, as purchased by the insured. FAIR Plan
22 shall prepare and submit a rate and form filing to the Commissioner by March 1, 2016 that
23 reflects the new optional coverages.

24 **WHEREAS**, certain FAIR Plan policyholders who have properties eligible for dwelling
25 replacement cost coverage have not selected this coverage (for which there is no additional
26 charge).

27 **WHEREAS**, FAIR Plan automatically includes inflation guard coverage on all policies
28 which have replacement cost coverage (for which there is no additional charge except for

1 premium increases associated with future increases in the dwelling limit).

2 **THEREFORE**, it is ordered that FAIR Plan shall automatically include its dwelling
3 replacement cost endorsement on all eligible dwellings, for both new business and renewals,
4 unless the applicant or policyholder affirmatively declines this coverage.

5 **THEREFORE**, it is ordered that FAIR Plan amend its underwriting guidelines
6 so that all eligible properties will automatically carry replacement cost and inflation guard
7 coverage, unless the applicant or policyholder affirmatively declines this coverage.

8 **WHEREAS**, coverage through FAIR Plan is typically obtained through an insurance
9 broker, not directly through FAIR Plan, and consumers should be encouraged to use the services
10 of a broker when seeking coverage through FAIR Plan. The California Department of Insurance
11 (CDI) licenses more than 90,000 brokers that are California residents and that are eligible to write
12 basic property insurance. At present, only approximately 6,600 brokers are registered with FAIR
13 Plan to write FAIR Plan business and consumers do not have an easy way to identify them, which
14 may negatively impact the availability of basic property insurance through FAIR Plan.

15 **THEREFORE**, it is ordered that FAIR Plan create and place on its website a consumer-
16 friendly data base that permits consumers to search for brokers who have registered with FAIR
17 Plan. This database shall identify one or more registered brokers in closest proximity to the
18 applicant's property based upon USPS Zip Code.

19 **WHEREAS**, at present, persons seeking basic property insurance through FAIR Plan in
20 certain designated areas throughout the state must provide a written statement to FAIR Plan that,
21 after diligent effort, they have been unable to obtain insurance from an admitted insurer or surplus
22 line broker, and list the names of at least three admitted insurers or surplus lines brokers from
23 whom they have attempted but have been unable to obtain insurance.

24 **WHEREAS**, basic property insurance coverage through FAIR Plan should be made
25 available to any person seeking basic property insurance who has been unable to obtain insurance
26 through the admitted or surplus lines market.

27 **THEREFORE**, it is ordered that, for all geographic areas in California, persons seeking
28 basic property insurance through FAIR Plan need not show that they have unsuccessfully

1 attempted to obtain insurance through the normal market provided by admitted insurers or surplus
2 lines brokers, because the Commissioner finds that this erects an artificial barrier preventing or
3 delaying consumers from obtaining coverage. Pursuant to CIC Section 10090(c), all persons are
4 encouraged to obtain property insurance through the normal insurance market, and FAIR Plan
5 should continue to remind its policyholders to search the normal insurance market for coverage.
6 Nothing in this order shall be construed as altering the requirement that before a property can be
7 insured by FAIR Plan, it must meet reasonable underwriting standards including, but not limited
8 to, physical condition of the property, property use or housekeeping, or other characteristics of
9 ownership, condition, occupancy or maintenance that violate public policy and/or result in
10 unreasonable risk of loss.

11 This order is issued pursuant to the authority of CIC Sections 10091(c) and 12921, and
12 shall be effective immediately. However, unless a date is specified for implementing any part of
13 this Order, FAIR Plan shall implement this Order within 120 days of the date this Order is
14 executed by the Department, unless extended by the Commissioner.

15
16 Dated: 1/20/2016.

17
18 By 
19 DAVE JONES
20 Insurance Commissioner
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**DANIEL ANAIAH KIRK
DISTRICT 3 SUPERVISOR**

2 South Green Street
Sonora, CA 95370
(209) 533-5521
email: akirk@co.tuolumne.ca.us

October 20, 2021

Ricardo Lara, State Insurance Commissioner
California Department of Insurance
300 Capitol Mall, Suite 1700
Sacramento, CA 95814

Thank you, Insurance Commissioner Ricardo Lara, for taking the first step in using the CA Fair Plan to help wildfire victims through SB 11.

We are writing because we would like to discuss possible follow-up bills regarding how we can use the CA Fair plan to further combat CA wildfires and thereby improve public safety, help home affordability, fight Climate Change, and improve our air quality.

- In 2020 CA Wildfires generated more than 91 million metric tons of CO2 which is equivalent to more than 25% of all fossil fuels generated emissions in the state annually.
- Every \$500 increase in homeowner's insurance results in lowering prospective buying power (loan) by over \$9,300, which impacts home affordability in our great state. When someone is forced to switch to the Fair Plan it easily increases their insurance premium by \$1,000 to \$3,000. This lowers first-time home buyers' purchasing power by \$18,600 to \$55,800, contributing to why thousands of Californians cannot afford homes.
- The destructive effects of wildfire on our agriculture are clearly outlined in your comments on SB 11. California accounts for 13.5% of agriculture receipts in the United States. It produces almost double the amount of the second-highest state in the country.
- Wildfire smoke can make anyone sick but at-risk people such as people with asthma, COPD, heart disease, children, and pregnant women are especially at health risk due to wildfire smoke.

We would like to discuss the possibility of the CA Fair Plan offering 20% discounts or more on insurance premiums to counties or cities that impose a tax or assessment on themselves specifically for preventing/combating wildfires. The money generated from this self-imposed tax could go toward creating and maintaining fire break lines, forest fuel reduction efforts, public awareness campaigns, and other wildfire prevention/combating solutions. Currently our local resources, money spent on increased annual insurance premiums, are being used to pay for future wildfire claims. We desperately need a solution that allows these local resources to be used locally to prevent and mitigate future wildfire destruction rather than being used to pay ongoing wildfire insurance claims.

To help initially fund the project, we could potentially use cap-and-trade funds whose mission is to reduce greenhouse gas emissions, such as the 91 million metric tons of CO2 produced by California wildfires in 2020. As communities become more fire resilient the claims against the Fair Plan should drop to a point where the plan can pay for itself with the goal of getting private insurance companies to expand coverage to our area.

We mention this because Tuolumne County tried to pass a fire parcel tax, but we were unable to gain enough support to pass the measure. However, we are confident if homeowners were able to receive a 20% or more reduction on annual insurance premiums our parcel tax would have been successful. If this program is successful this would lower the number of future claims insurance companies would have to pay, improve public safety & health, and combat climate change.

We would appreciate the opportunity to show you past, current and planned projects Tuolumne County is working on to reduce catastrophic wildfires and the loss of personal property.

Assuming you can join us, we would also be pleased to work with your press secretary to invite local media to cover the event. Thank you for your hard work, we are ready and willing to work for a solution.


Anaiah Kirk
Supervisor District 3
Tuolumne County


Kaenan Whitman
Assessor/Recorder
Tuolumne County

California Insurance Commissioner Richard Lara
ATTN: Abigail Meraz
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 958814

Submitted via email Abigail.Meraz@insurance.ca.gov

Dear California Insurance Commissioner Lara,

The Tuolumne County Board of Supervisors appreciates the opportunity to submit comment on the Notice of Investigatory Hearing into the California Fair Plan to explore (1) the concerns and changing needs of California consumers, organizations, businesses, and brokers and (2) what additional changes are needed to the FAIR Plan's operations, governance, business practice, and coverage offerings to enable it to continue to meet those needs far into the future.

Tuolumne County has same interest as Insurance Commissioner Lara in finding solutions to soaring insurance premiums and Non-Renewal due to wildfire risk. We have appreciated Commissioners efforts in expanding California Fair Plan to double its coverage to \$3 Million, to accept payments for premiums, working with legislators to ensure farms and small businesses were able to access the FAIR Plan and increased its commercial coverage limits through SB11, and his efforts in directing the FAIR Plan to offer comprehensive homeowners policies to help bring the cost down for consumers.

As you know most of Tuolumne County is located within the Very high Fire Hazard Severity Zone and we know very well the impact it has had on our community and increased Insurance Premiums. It is not uncommon for residence of our county to receive non-renewal notices for insurance providers or to see our Insurance premiums triple in cost.

Tuolumne County BOS would like to support every effort made by the Insurance Commissioner to create solutions to this problem that affects the entire State. As possible solutions we would like the Insurance Commissioner to (1) define Wildfire allowing insurance providers to exclude Wildfire from their standard policy while allowing insurance providers to offer Riders specifically to Wildfire, similar to how earthquake and Flood are defined and covered by the California Earthquake Authority or National Flood Insurance Program. (2) Continue Commissioner Lara efforts in expanding CA Fair Plan Coverage so additional Wrap Insurance policies are not needed to cover what the CA Fair Plan does not cover. Currently, a typical homeowner CA FAIR Plan Policy requires an additional insurance policy. (3) Working with Legislators to offer discounts on insurance premiums to counties or cities that impose a tax or assessment on themselves specifically for preventing/combating wildfires. Currently our local resources, money spent on increased insurance premiums, are being used to pay for future wildfire claims. We desperately need a solution that allows these local resources to be used locally to prevent and mitigate future wildfire destruction rather than paying ongoing wildfire insurance claims.

Unfortunately, Tuolumne County has witnessed first-hand the negative effects of wildfire and we are aware that it affects not just Tuolumne County but all Californians through hazardous Wildfire smoke

and greenhouse gases contributing to Climate Change. In 2020 California Wildfires generated more than 91 million metric tons of CO₂, equivalent to more than 25% of all fossil fuels generated emissions in the State annually.

Sincerely,

Supervisor Anaiah Kirk,
Chair, Tuolumne County Board of Supervisors

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF TUOLUMNE COUNTY
AMENDING TITLE 8 PUBLIC HEALTH AND SAFETY BY ADDING CHAPTER 8.14
HAZARDOUS VEGETATION MANAGEMENT**

The Board of Supervisors of the County of Tuolumne ordains as follows:

SECTION 1: Chapter 8.14 is added to the Tuolumne County Ordinance Code to read as follows:

Chapter 8.14

HAZARDOUS VEGETATION MANAGEMENT

Sections:

- 8.14.010 Title and Purpose.**
- 8.14.020 Findings.**
- 8.14.030 Definitions.**
- 8.14.040 Legal Authority for the County Ordinance.**
- 8.14.050 Prohibited Conduct.**
- 8.14.060 Duty to Remove and Abate Hazardous Vegetation.**
- 8.14.070 Enforcement.**
- 8.14.080 No Duty to Enforce.**
- 8.14.090 Effective Date and Publication.**

Section 8.14.010. — Title and Purpose. This chapter shall be known and may be referred to in all proceedings as the County Hazardous Vegetation Management Ordinance. The purpose of the ordinance is to provide for the removal of hazardous vegetation situated in the unincorporated areas of the county so as to reduce the potential for fire and to promote the safety and welfare of the community.

Section 8.14.020: Findings.

- A. Hazardous Vegetation Management is of paramount importance to the Board of Supervisors for the protection of lives and property from the threat of fire.
- B. Board of Supervisors of the County of Tuolumne (hereinafter "County") finds and declares that the uncontrolled growth and/or accumulation of hazardous vegetation or obstructions on driveway, egress sidewalks, streets, and on lands or lots within the County is dangerous or injurious to neighboring property and the health, safety and welfare of residents of the County. Such growth and accumulation constitute a public nuisance in that it creates fire hazards, reduces the value of private property, promotes blight and deterioration, constitutes a nuisance and creates a hazard to the

health, safety and general welfare of the public.

- C. It is the intent of the County that this Ordinance shall apply to the abatement of the growth and/or accumulation of hazardous vegetation on all parcels within the County and to the maintenance of those parcels to prevent regrowth of hazardous vegetation.
- D. The County is located in a wildland urban interface fire area in which many of the native and non-native plant species within the jurisdictional boundaries of the County are highly flammable during dry periods and have contributed to significant wildfires resulting in catastrophic fire losses to life, property and the environment.

Section 8.14.030: Definitions.

- 1. **Adjacent** to means adjoining or having a common boundary.
- 2. **Accumulation Hazardous Vegetation** means hazardous vegetation that is left in such a manner to create a fire hazard.
- 3. **Building** means any structure having a roof supported by columns or walls, used or intended to be used for the shelter of or enclosure of persons, animals or property.
- 4. **Defensible Space** means the area within the perimeter of a parcel where basic wildland fire prevention practices and measures are implemented and maintained, including but not limited to removing brush, flammable vegetation, or combustible growth that is located from 0 feet to 100 feet from a building or structure measured from the eaves, porches, decks and balconies to the property line, to provide the key point of defense from an approaching wildfire or an escaping structure fire.
- 5. **Dwelling** means any building or portion thereof designed or used as the residence of one or more persons.
- 6. **Enforcement Officials** means the Tuolumne County Fire Chief or their designee.
- 7. **Fire Hazard** means any condition, arrangement, or act which increases the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.
- 8. **Hazardous Vegetation** means any 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, needles, tumbleweeds, and under growth vegetation. Hazardous vegetation also includes live or dead vegetation that allows a fire to climb up from the landscape or the forest floor into the tree canopy, and otherwise referred to as "ladder fuels".
- 9. **Ladder fuels** are those combustible materials (both live and dead) that provide a path for a surface fire to climb up into the crowns of shrubs or trees.

Standing dead trees with many limbs near the ground are an example of ladder fuels.

10. **Parcel** means a lot, unit or tract of private real property created by a division of land which is legally separate from any adjacent property.
11. **Reduced Fuel Zone** means the area within 30-100 feet of all buildings, structures or dwellings, or to the property line, wherein the arrangement of trees, shrubs and other fuel sources is done in such a way that makes it difficult for fire to transfer from one fuel source to another. It does not mean cutting down all trees and shrubs or creating a bare ring of earth across the property. Fuel reduction shall not require the removal of crops, productive vineyards or orchards, or marketable timber; but it may impose mowing or livestock presence on grasslands, or fire-safe management of crops and forests.
12. **Owner** shall mean the owner of a parcel subject to this Chapter, as disclosed in the records of the County Tax Assessor at the time an Opportunity to Correct is given or the Notice and Order is served.
13. **Responsible person** shall mean either of the following: 1. Any individual or legal entity who is the owner, tenant, co-tenant, lessee, sublessee, occupant or other person with any right to possession of the real property, owner or authorized agent of any business, company or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes, permits or maintains a violation of this Code, its adopted codes or applicable State codes. 2. Any individual, legal entity or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes, permits or maintains a violation of this Code, its adopted codes or applicable State codes.
14. **Structure** means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner and created primarily for purposes other than sheltering human activity.

Section 8.14.040: Legal Authority for the County Ordinance. The County has the legal authority to adopt the provisions contained in this Ordinance as specified below:

- A. The California Health and Safety Code, Division 12, Parts 5-6, Sections 14875-14931, which provides that an accumulation of weeds, grasses, hazardous vegetation and other combustible material may be declared a public nuisance, and provides guidelines for enforcement and abatement by the County of such nuisance as fire hazards, and payment of such abatement costs incurred by the County to remove such hazardous vegetation and combustible material. This Code also provides for penalties for violations of this Ordinance by property owners.
- B. The California Fire Code Title 24, Part 9, Chapter 3, Section 304.1 prohibits combustible waste material creating a fire hazard on vacant lots or open space, which California Fire Code has been adopted by the County.

- C. The California Code of Regulations Code, 14 C.C.R., Sections 1270.01-1276.03.
- D. The California Public Resources Code Section 4291 which requires a person or entity that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass covered lands, or land that is covered with flammable material, to maintain defensible space of 100 feet from each side and from the front and rear of the structure, and which provides for required fuel modification so as to ensure that a wildfire burning under average weather conditions would be unlikely to ignite the structure on the property.
- E. Government Code Section 25845 and 25845.5 which provide that the Board of Supervisors may establish procedures for the abatement of a nuisance and regarding enforcement mechanisms available for the County to ensure that the costs incurred by the County in abating the nuisance consisting of accumulation of weeds, grasses, hazardous vegetation and other combustible materials are recovered from the property owner who fails to abate such nuisance after notice from the County to do so.

Section 8.14.050: Prohibited Conduct. Any person shall not allow or permit the accumulation of hazardous vegetation on that person's property or on any other property so as to constitute a fire hazard in violation of California Public Resources Code, Section 4291, which requires one-hundred (100) feet of defensible space around all dwellings and buildings.

Section 8.14.060: Duty to Remove and Abate Hazardous Vegetation.

- A. It shall be the duty of every owner and/or responsible person of any parcel which is located within the unincorporated areas of the County to remove, or abate, the hazardous vegetation which constitutes a fire hazard and which may endanger or damage neighboring property as defined in this ordinance. The following shall be maintained: Thirty (30) feet of Reduced Fuel Zone clearance along that portion of the property line that borders or is adjacent to a habitable or occupied dwelling or building if that dwelling or building is within 100' of the property line.
- B. It shall be the duty of every owner and/or responsible person of any parcel within the unincorporated areas of the County to remove all hazardous vegetation from driveways, roadways and road easements in accordance with the procedures and methods prescribed in this Ordinance and by the enforcement official. The following shall be maintained:
 - 1. Fifteen (15) feet of overhead clearance from the road surface; and
 - 2. Ten (10) feet Reduced Fuel Zone from roadway edge

- C. Unimproved parcels of one half-acre or less shall complete a Reduced Fuel Zone of the entire parcel.
- D. Parcels with a current Williamson Act contract and an approved agricultural plan (as defined by Resolution #106-04) on file that are single parcels or contiguous lots, where slope, fuel model, and/or topography make fuel reduction difficult, may, in lieu of compliance with the provisions of this Ordinance, create a reduced fuel plan approved by the Tuolumne County Fire Chief or designee, which, in his or her discretion, meets the intent of this Ordinance.
- E. Fuel reduction shall not require the removal of crops, productive vineyards or orchards, or marketable timber; but it may impose mowing or livestock presence on grasslands, or fire-safe management of crops and forests.

Section 8.14.070: Enforcement.

- A. The enforcement official shall have authority to enforce this chapter and issue citations for violations. This Chapter shall be enforced as provided for in Chapter 1.10 of this Code. Violations of this Chapter are considered violations impacting health and safety and are not subject to the statute of limitations set forth in Chapter 1.10.120A. The provisions of this Chapter shall be enforced by the Fire Prevention Division of the Tuolumne County Fire Department.
- B. This ordinance creates minimum rules for Hazardous vegetation management in the unincorporated areas of the County. Any legal entity, if it wishes, can adopt and enforce hazardous vegetation management regulations that provide for rules that are more restrictive than the County's.

Section 8.14.080: No Duty to Enforce. Nothing in this Chapter shall be construed as imposing on the County any duty to enforce the provisions of this Chapter, and the County shall not be held liable for failure to enforce this Chapter.

Section 8.14.090 Effective Date and Publication. Shall be from the date of approval.

SECTION 2: If any provision of the Ordinance or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications thereof, and to this end the provisions of this Ordinance are severable.

SECTION 3: This Ordinance shall take effect [SELECT CORRECT TIME FRAME: fifteen (15) days; thirty (30) days; immediately] [after/upon] its adoption. The Board Clerk of the Board of Supervisors is hereby authorized and directed to publish a summary of this ordinance in the Union Democrat, a newspaper of general circulation printed and published in the County of Tuolumne, State of California, prior to fifteen (15) days after its passage.

The foregoing ordinance introduced on the ____ day of _____, 20__, and adopted at a regular meeting of the Board of Supervisors of the County of Tuolumne, State of California on this ____ day of _____, 20__, by the following vote, to wit:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ANALIAH KIRK, Chair
Board of Supervisors,
County of Tuolumne,
State of California

ATTEST: HEATHER RYAN
Board Clerk of the Board of Supervisors

By _____ (SEAL)

APPROVED AS TO LEGAL FORM:

County Counsel
County of Tuolumne

By _____
SARAH CARRILLO,
COUNTY COUNSEL