

ORDINANCE NO. 19

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE VALLEY OF THE MOON FIRE PROTECTION DISTRICT OF SONOMA COUNTY AUTHORIZING THE CLEARANCE OF LAND AND REMOVAL OF WEEDS, RUBBISH, AND OTHER FLAMMABLE MATERIAL IN UNINCORPORATED AREAS OF THE VALLEY OF THE MOON FIRE PROTECTION DISTRICT OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA AND REPEALING ORDINANCE NO. THREE

The Board of Directors of the Valley of the Moon Fire Protection District of Sonoma County does ordain as follows:

SECTION I. Purpose and Necessity.

The uncontrolled growth and accumulation of dry grass, stubble, brush, rubbish, litter, dead trees, piles of debris or other flammable material in certain areas of this district during the fire season may endanger the public by creating a fire hazard. When such accumulations of various types of flammable material, in the opinion of the Fire Chief of the District, or of the Board of Directors, constitute such a fire hazard, it is hereby declared to be a public nuisance and a threat to the health and safety of the citizens and residents of this District.

The intent of this ordinance is to provide for abatement procedures pursuant to the authority of Public Contracts Code 20812 and Part 5 (commencing with section 14875) of Division 12 of the Health & Safety Code.

SECTION II. Clearing of Flammable Materials.

In all unincorporated areas of this District (except on land being used for growing and harvesting of hay, for stock pasturing, crops, vineyard or orchard purposes) all growth or accumulation of dry grass, stubble, brush, rubbish, litter, dead trees, piles of debris or other flammable material shall be cleared and kept clear during the period commencing on May 1, and continuously thereafter, until the Director of Forestry has declared an end of the annual fire season.

SECTION III. Abatement Procedures.

The following procedures shall be followed when abating or correcting the condition relative to a public nuisance as defined in Section I:

- (1) The District shall notify the owner or occupant of the property on which the hazardous condition is located, in writing by certified mail, that the flammable materials shall be removed or otherwise abated;
- (2) The notice shall indicate that unless the nuisance is removed within a specified time period the District will remove the fire hazard and the cost of such removal will be assessed upon lands from which or in front of which the hazard is removed. Such notice should be in a form similar to that provided in Health & Safety Code § 14892;
- (3) The District Board shall hold a public hearing on the nuisance and the notice shall indicate the time and place of the hearing at which all property owners having any objections to the proposed removal of the fire hazards may be heard;
- (4) The notice shall be posted conspicuously in front of the property on which the nuisance is located, or upon the portion of the property most likely to give actual notice to the owner or occupant. The notices shall be headed "NOTICE TO DESTROY WEEDS" in words not less than one inch in height;
- (5) Notice of the District hearing at which any objections to the abatement may be heard shall be published once in a newspaper of general circulation not less than ten (10) days prior to the date of the hearing;

(6) As an alternative, or in conjunction with, the posting and publication, notice may be mailed to the property owners as their names and addresses appear on the last equalized assessment roll not less than ten (10) days prior to the hearing;

(7) Following the close of the hearing, the Board shall rule on all objections, whereupon the Board shall acquire jurisdiction to proceed and perform the work of removal;

(8) After final action following the hearing, the District employees or its agents may enter upon private property for the purpose of removing the fire hazards. The person abating the nuisance shall keep an account of the cost of abatement for each separate parcel of land and shall render an itemized report in writing to the Board of Directors, showing the cost of removal;

(9) The District Board shall set a date and time for receiving and considering the report, at which time all objections of any other property owners liable for assessment may be heard;

(10) A copy of the report shall be posted for at least three days on or near the door of the District Board meeting room prior to the meeting together with a notice of the time when the report will be submitted to the Board for confirmation;

(11) The Board may make such modifications in the report as it deems necessary, after which the report shall be confirmed by order or by resolution. A certified copy of the resolution of confirmation shall be recorded in the Office of the County Recorder;

(12) The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and all laws applicable to levy, collection and enforcement of such taxes are applicable to this assessment.

SECTION IV. Compliance with State and Local Law.

In complying with the provisions of this ordinance or any other order of this District thereunder, any person correcting or eliminating any fire or safety hazard shall not be excused from full compliance with any other applicable law or regulation of the State of California or with any applicable ordinance or regulation of the County of Sonoma.

SECTION V. Repeal.

Ordinance No. Three of the Valley of the Moon Fire Protection District, adopted May 7, 1968, controlling growth or accumulation of dry grass and other flammable material, is hereby repealed.

SECTION VI. Violation.

Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

SECTION VII. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance for any reason is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Directors of the Valley of the Moon Fire Protection District of Sonoma County hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of said sections, subsections, clauses or phrases be declared unconstitutional.

SECTION VIII. Publication.

This ordinance shall be and the same is hereby declared to be in full force and effect from and after 30 days after the date of its passage, and shall be published once before the expiration of 15 days after said passage with the names of the directors voting for and against the same in the Sonoma Index-Tribune, a newspaper of general circulation in the Valley of the Moon Fire Protection District of Sonoma County, State of California.


SECTION VIII. Adoption.

In regular session of the Board of Directors of the Valley of the Moon Fire Protection District of the County of Sonoma, State of California, passed this _____ day of _____, 1986, on regular roll call of the members of said Board by the following vote:

	<u>Yes</u>	<u>No</u>
1. <u>Radford</u>	X	
2. <u>Dodge</u>	X	
3. <u>Bloom</u>	X	
4. <u>Serbes</u>	X	
5. <u>Gemmet</u>	X	

SO ORDERED

ATTEST:


Clerk of the Board


Chairperson, Board of
Directors