

COUNTY OF SAN DIEGO

**DEFENSIBLE SPACE FOR FIRE PROTECTION
ORDINANCE**



PUBLIC SAFETY GROUP

An Excerpt from the San Diego County Code of Regulatory Ordinances

Amendments Effective June 9th, 2011

ORDINANCE NO. 10147 (N.S.)

AN ORDINANCE AMENDING CHAPTER 4 OF DIVISION 8 OF TITLE 6 OF THE
SAN DIEGO COUNTY CODE RELATING TO DEFENSIBLE SPACE FOR FIRE
PROTECTION PURPOSES

The Board of Supervisors of the County of San Diego ordain 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 to prohibit the accumulation of combustible vegetation, dead, dying or diseased trees, green waste, rubbish, and other flammable materials which are dangerous to property and to the health, welfare and safety of residents. The ordinance will provide a more Defensible Space for fire suppression personnel to operate, and will allow for public nuisance abatement when property owners allow combustible vegetation and other flammable materials to accumulate in violation of this ordinance.

Section 2. The title of Chapter 4 of Division 8 of Title 6 of the San Diego County Code is hereby amended to read as follows:

CHAPTER 4. DEFENSIBLE SPACE FOR FIRE PROTECTION ORDINANCE

Section 3. Section 68.401 of the San Diego County Code 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 vegetation, dead, dying or diseased trees, green waste, rubbish, and other materials on private property is hereby found to create a condition that is a fire hazard and potentially injurious to the health, safety, and general welfare of the public. Therefore, the presence of such combustible vegetation, dead, dying or diseased trees, green waste, rubbish, and other materials on parcels as hereinafter defined is hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter. Nothing in this chapter shall replace or conflict with the authority of the County Agricultural Commissioner to eradicate noxious weeds under applicable sections of the California Food and Agricultural Code.

Section 4. Section 68.402 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.402. DEFINITIONS.

(a) "COMBUSTIBLE VEGETATION" is 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 includes dry grass, brush, weeds, litter or other flammable vegetation that creates a fire hazard.

(b) "DEAD, DYING OR DISEASED TREES" include pest or pathogen infested trees, abandoned or neglected groves or other trees which are in a dying condition or no longer living.

(c) "DEFENSIBLE SPACE" is an area either natural or man-made, where material capable of allowing a fire to spread unchecked has 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.

(d) "FIRE WARDEN" means the Deputy Chief Administrative Officer of the Public Safety Group or his/her authorized representative.

(e) "GREEN WASTE" includes, but is not limited to, organic material such as yard trimmings, plant waste, untreated wood wastes, paper products, natural fiber products, mulch and compost.

(f) "IMPROVEMENT" means any building or structure, permanent or temporary, erected for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind located in the unincorporated area of the County of San Diego subject to this chapter and shall include agricultural crops. For purposes of this chapter, the term "improvement" shall not include decks, sheds, 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.

(g) "MSCP SUBAREA" means that area shown as the "County of San Diego MSCP Subarea" on the map which is "Attachment A" to the Biological Mitigation Ordinance (found at Chapter 5 of Division 6 of Title 8 of the County Code) as referenced in Section 86.502 of the County Code and on file with the Clerk of the Board of Supervisors as Document No. 0769999.

(h) "NOXIOUS WEED" shall mean any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, as defined in Section 5004 of the California Food and Agricultural Code.

(i) "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 and which is located in the unincorporated area of the County of San Diego subject to this chapter but shall not include any portion of a parcel that has been in active production of agricultural crops within one growing season of that crop.

(j) "PUTRESCIBLE" means 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.

(k) "RESPONSIBLE PARTY" includes, but is not limited to, any person, firm, partnership or corporation owning, renting, leasing, or otherwise controlling any parcel located in the unincorporated area of the County of San Diego subject to this chapter.

(l) "RUBBISH" is 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.

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

SEC. 68.403. ENFORCEMENT RESPONSIBILITY/APPLICABILITY.

(a) This chapter shall be applicable in all unincorporated territory of the County of San Diego outside of the fire protection districts or municipal water districts which provide fire protection services, and the Fire Warden shall administer and enforce the provisions of this chapter.

(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 which provides fire protection service if the district has adopted this ordinance by reference through enactment of its own district ordinance. In such case, administrative and enforcement responsibility shall rest with the district, and the County shall bear no such enforcement responsibility except to the extent specifically approved by the Fire Warden through a Memorandum of Understanding (MOU) with the district.

Section 6. Section 68.404 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.404. PROHIBITIONS/DEFENSIBLE SPACE REQUIREMENTS.

(a) **Defensible Space for Improvements.** No responsible party shall permit on a parcel, or on any adjacent sidewalks, parking areas, or streets, any accumulation of combustible vegetation, dead, dying or diseased trees, green waste, rubbish, or other flammable materials within 100 feet of the exterior perimeter of any improvement thereon, provided, however, the Fire Warden may authorize a distance less than 100 feet, but no less than 30 feet, in accordance with the exceptions found in the Defensible Space requirements found in the Fire Code at section [96.1.001](#) et seq. of the San Diego County Code. Where the distance from the improvement to the property line of the parcel on which the improvement is located is less than the required Defensible Space, the responsible party shall only be required to provide the required Defensible Space to the property line.

(b) **Defensible Space along Property Lines.** No responsible party shall permit on a parcel any accumulation of combustible vegetation, dead, dying or diseased trees, green waste, rubbish, or other flammable materials within 30 feet of the property line when such accumulation endangers or encroaches on the required Defensible Space for improvements on an adjacent property. The Fire Warden may require a distance greater than 30 feet but not to exceed 100 feet when it is determined that the greater distance is necessary to provide Defensible Space for improvements on an adjacent property.

(c) **Defensible Space along Roads and Driveways.** No responsible party shall permit on a parcel any accumulation of combustible vegetation, dead, dying or diseased trees, green waste, rubbish, or other flammable materials within 10 feet of each side of the improved width of highways, private roads and driveways, provided, however, the Fire Warden may require, after providing written notice to the responsible party, a distance greater than 10 feet in accordance with the Defensible Space requirements found in the Fire Code at section [96.1.001](#) et seq. of the San Diego County Code.

(d) **Additional Defensible Space.** Notwithstanding the provisions of subsections (a), (b), and (c) of this section, if the Fire Warden determines that a greater distance is necessary to protect property or the health, safety and welfare of residents of the vicinity, the Fire Warden may require a responsible party to provide additional Defensible Space up to the following maximum acreages on parcels which meet the following criteria:

i. Two acres, on parcels located within the Pre-Approved Mitigation Area of the MSCP Subarea that are 10 acres and under in size and zoned for single family residential uses if the Fire Warden finds that the Defensible Space will not interfere with the assembly of the Multiple Species Conservation Plan Preserve according to the terms of the MSCP Plan and the Subarea Plan.

ii. Five acres, on parcels located outside the Pre-Approved Mitigation Area of the MSCP Subarea that are 10 acres and under in size and zoned for single family residential uses if the Fire Warden finds that the Defensible Space will not interfere with the assembly of the Multiple Species Conservation Plan Preserve according to the terms of the MSCP Plan and the Subarea Plan.

iii. Five acres, on parcels located outside the MSCP Subarea zoned for single family residential use and improved with a single family residence.

(e) Combustible Vegetation. For purposes of this section, combustible vegetation does not include single specimens of trees, fire-resistant ornamental shrubbery, and other fire-resistant planting materials or cultivated ground covers which the Fire Warden determines do not form a means of rapidly transmitting fire from native or landscape plants to any improvement or other vegetation.

(f) Grading. The provisions of this chapter shall not be construed to authorize grading which does not comply with the San Diego County regulations regarding grading, clearing and watercourses found in Division 7 of Title 8 of the San Diego County Code.

Section 7. Section 68.405 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.405. PUBLIC NUISANCE.

Whenever combustible vegetation, dead, dying or diseased trees, green waste, rubbish, or other materials are allowed to grow or accumulate on a parcel, or on adjacent sidewalks, parking areas, or streets, so as to endanger improvements on such parcel or neighboring property, or the health, safety, or welfare of the residents of such parcel or adjacent parcel or vicinity, as prohibited by Section 68.404, the Fire Warden may declare a public nuisance and proceed to abate, in accordance with the Public Nuisance Abatement Procedure contained in Chapter 2 of Division 6 of Title 1 (commencing with Section 16.201) of the San Diego County Code or any other procedure permitted by law.

Section 8. Section 68.406 of the San Diego County Code is hereby added to read as follows:

SEC. 68.406. REMOVAL OF PROHIBITED MATERIALS.

The following are approved methods for the removal of prohibited materials:

(a) The removal of prohibited materials 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. The height of weeds and annual grasses shall not exceed a height of six inches. Any chipping of trees or vegetation that is done onsite may be allowed to remain so long it is dispersed over an area not to exceed six inches in depth. If the Fire Warden 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 prohibited materials are 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 Warden's satisfaction. Re-planting may be required for erosion control.

(c) The removal of prohibited materials shall be carried out in conformance with all federal, state and local environmental laws and regulations including, but not limited to, the Endangered Species Act and the San Diego County regulations regarding grading, clearing and watercourses found in Division 7 of Title 8 of the San Diego County Code.

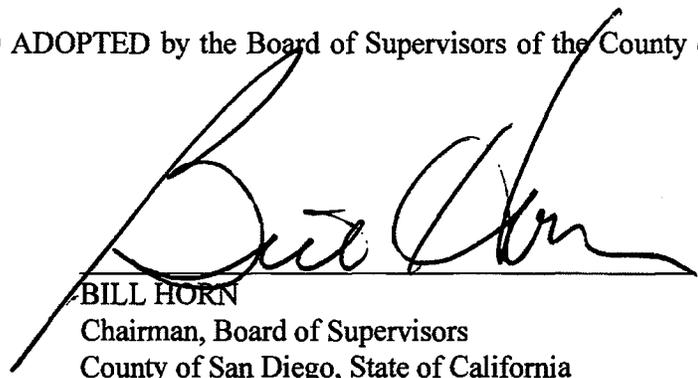
Section 9. Effective Date. This ordinance shall take effect and be in force 30 days after its passage, and before the expiration of 15 days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for a against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY

William A. Johnson, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 10th day of May, 2011.

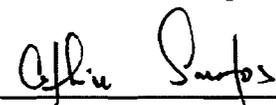

BILL HORN
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 10th day of May, 2011.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Catherine Santos, Deputy



Ordinance No. 10147 (N.S.)
Meeting Date: 5/10/11 (9)