

ORDINANCE NO. 10

FIRE HAZARD ABATEMENT

1.1 Public Nuisance. No owner, agent, lessee or other person occupying or having charge or control of any property, building, lot, or premises within the District shall permit the accumulation of waste paper, hay, grass, straw, weeds, litter, or combustible or flammable waste material, waste petroleum products, or rubbish of any kind to remain upon any roof or in any court, yard, vacant lot, or open space.

1.1 (a) Responsibility to Abate Nuisance. All combustible and flammable materials as referred to in Section 1.1 shall be removed; and all weeds, grass, vines, or other growth, when same endangers property or is susceptible to fire, shall be cut down and removed by the owner or occupant of the property.

1.1 (b) Modified Abatement. When total removal of growth from a piece of property is impractical due to size or environmental factors, approved fuel breaks may be established between the land and the endangered property. The width of the fuel break shall be determined by height, type, and fuel continuity; wind conditions, geographical considerations, and type of exposures threatened.

1.1 (c) Definition of "Weeds". "Weeds", as used in this ordinance, include the following:

1. Dangerous, rank, obnoxious, or wild vegetation and indigenous grasses which bear or may bear seeds of a downy or buoyant nature and which may cause uncontrollable proliferation of vegetative growth;
2. Weeds and grasses which may attain such growth as to become, when dry, a fire menace to adjacent improved or unimproved property;
3. Accumulation of garden refuse, cuttings, and other combustible vegetative debris.

1.1 (d) Authority. This ordinance is enacted for the purpose of providing for the summary abatement of such public nuisances under provisions of Health and Safety Code § 13800 et seq., 14875, and the currently adopted edition of the Uniform Fire Code.

1.2 Notice to Abate Nuisance. Whenever any such combustible and flammable materials accumulate to the point that they become a public nuisance, the chief or designated representative of the fire department shall give notice to the owner of the property on which nuisance exists that unless the nuisance be abated within ten days by the destruction or removal of the combustible or flammable material, the work of abating the nuisance will be

done by District authorities or a contractor designated by the District and the expense thereof assessed upon the lots and lands from which combustible and flammable materials have been destroyed or removed.

1.3 Appeal. A property owner may appeal to the District's Board of Directors the determination that the fire hazard material on or about his or her property constitutes a public nuisance. The Board shall consider the appeal at its next monthly or adjourned regular meeting providing the appeal is filed at least five days in advance of such meeting. Failure to render a decision within thirty-one days shall constitute a granting of the appeal.

1.4 Removal by District Authorities. If the combustible or flammable materials constituting a nuisance have not been removed within ten days of the giving of notice thereof as provided in Section 1.2, or in the event of an appeal under Section 1.3 within ten days of the decision of the Board confirming the determination of the fire chief, then the fire chief or other persons acting pursuant to his direction, such as deputies, assistants, or District employees, contracting agents, or other representatives shall enter upon the private property on which the nuisance exists for the purpose of abating the fire hazard. The fire chief shall determine, and have the authority to employ, the most cost effective method of abating the nuisance, taking into consideration the health and safety of all affected parties. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the fire chief or District employees or contracting agents to enter upon the premises for the purpose of abating the nuisance.

1.5 Charging Cost of Abating the Nuisance. Within thirty days after abatement of the nuisance by the District, the District shall notify the owner of the property as shown on the last equalized assessment roll of the cost of the abatement, plus a twenty percent fee for administrative expenses but not to exceed one hundred dollars.

The owner may file a written protest objecting to the amount of the assessment with the District secretary within thirty days. The District secretary shall set the matter for a public hearing by the Board of Directors. The decision of the Board shall be final. If the amount due the District is not paid within thirty days of the decision of the Board, the District Board may by resolution confirm the amount due the District and, as so confirmed, the amount shall become a special assessment against the parcel in question and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be presented to the auditor of Monterey County, on or before the tenth day of August following such confirmation, so that the auditor may enter the amounts of the respective parcels of lands as they appear on the current assessment roll and the tax collector may include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land.

1.6 Violation. A violation of this ordinance shall constitute an infraction, unless otherwise specified as a misdemeanor under the Uniform Fire Code.

1.7 Savings Clause. If any section, subsection, part, word, or phrase of this ordinance shall be found to be invalid for any reason, the remaining sections, subsections, parts, words, and phrases shall continue in full force and effect.



GEORGE W. MURPHY
President

ATTEST:



RICHARD ANDREWS
Secretary

(Seal)

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I hereby certify that the foregoing Ordinance was duly passed and adopted at a meeting of the Board of Directors of the Pebble Beach Community Services District held on the 30th day of January 1987, by the following vote:

AYES, and in favor thereof, Directors: Durant, Hansen, Murphy,
Sprenger, Strong

NOES, Directors: None

ABSENT, Directors: None

ABSTENTIONS, Directors: None



RICHARD ANDREWS
Secretary of the Pebble Beach
Community Services District

(Seal)

(SAMPLE PROPERTY NOTICE)

PEBBLE BEACH COMMUNITY SERVICES DISTRICT
FIRE PREVENTION BUREAU
FOREST LAKE & LOPEZ ROADS
PEBBLE BEACH, CA 93953
(408) 375-4204

NOTICE OF VIOLATION NO. _____

YOU ARE HEREBY NOTIFIED THAT THE
CONDITIONS DESCRIBED ON THE
ATTACHED REPORT WERE FOUND TO
EXIST ON YOUR PREMISES AND ARE IN
VIOLATION OF THE DISTRICT CODE.
FAILURE TO CORRECT THESE CONDI-
TIONS WILL RENDER YOU LIABLE TO
THE PENALTIES OF SAID DISTRICT
CODE.

NAME _____ ADDRESS _____ DATE _____

ATTENTION _____ LOCATION OF SURVEY _____

THIS NOTICE IS TO ADVISE YOU THAT YOU ARE IN VIOLATION OF
ORDINANCE NO. 10, SECTION 1.1, OF THE COMBUSTIBLE AND
FLAMMABLE MATERIALS ABATEMENT ORDINANCE OF PEBBLE BEACH
COMMUNITY SERVICES DISTRICT CONCERNING THE PROPERTY AT
_____.

"No owner, agent, lessee, or other person occupying or
having charge or control of any building, lot, or premises
within the District shall permit the accumulation of waste
paper, hay, grass, straw, weeds, litter, or combustible or
flammable waste material, waste petroleum products, or rub-
bish of any kind to remain upon any roof or in any court,
yard, vacant lot, or open space."

THE COMBUSTIBLE AND FLAMMABLE MATERIALS SHALL BE REMOVED
FROM THE PROPERTY AT _____.

THANK YOU FOR YOUR COOPERATION.

A REINSPECTION OF THE ABOVE HAZARD WILL BE MADE WITHIN _____ DAYS.
IF YOU REQUIRE ADDITIONAL INFORMATION OR CLARIFICATION, PLEASE
CONTACT THE PBCSD FIRE DEPARTMENT AT (408) 375-4204.

FAILURE ON YOUR PART TO COMPLY WITH THIS NOTICE WILL SUBJECT YOU TO
THE PENALTIES PRESCRIBED BY ORDINANCE NO. 20 AND STATE LAW.

CHIEF OF FIRE DEPARTMENT
RENO A. DiTULLIO

By _____
FIRE PREVENTION OFFICER

Attachment: Fire Inspection Report dated _____