

**DIVISION VI  
APPENDIX IIA**

**HAZARDOUS VEGETATION**

**Section 16 of Volume VI of the Building and Safety Code is hereby amended to read:**

**Section 16 CLEARANCE OF HAZARDOUS VEGETATION FROM STRUCTURES AND ROADS**

**16.1 Statement of Legislative Intent and Purpose.** It is the objective of this Section to promote and protect the public health, safety and welfare by recognizing that there exists within the City of Glendale a potentially hazardous fire situation created by grass, weeds, shrubs, and trees which are in such condition and location as to provide a ready fuel supply to augment the spread or intensity of fire. It is the intent of this Section to provide minimum standards to safeguard life, safety, property and the public welfare by insuring that hazardous vegetation or refuse is removed and that all grass, weeds, shrubs, and trees are properly maintained so as to not create a fire hazard within the community, while maintaining sufficient vegetation for aesthetic and soil erosion control purposes.

It is the further intent that this Section apply on a year-round basis to insure the removal and/or proper maintenance of grass, weeds, shrubs, trees and refuse in order to prevent the spread or intensity of fire within the community. Of particular concern is the need to provide adequate defensible space in the urban/wildland interface area of the city, referred to as the High Fire Hazard Area (formerly Fire Zone 4). For purposes of this Section, defensible space is that space within 100 feet (30.480 m) of a building or structure that is required for access by fire and other emergency personnel to defend the building or structure from the threat of fire.

**16.2 Prohibition.** No person who has any ownership or possessory interest in, or control of a parcel of land shall allow to exist thereon any hazardous refuse or hazardous grass, weeds, shrubs, trees, or other vegetation, which, by reason of proximity to a building or structure, constitutes a fire hazard. For purposes of this Section, hazardous grass, weeds, shrubs, trees, or other vegetation are defined as grass, weeds, shrubs, trees, or other vegetation which are in such condition and location, or by the unique characteristics of a species, as to provide a ready fuel supply to augment the spread or intensity of a fire.

**16.3 Specific Requirements.** In order to provide sufficient defensible space, each person who has any ownership or possessory interest in, or control of, a parcel of land shall:

**16.3.1 General.** Remove from the property all hazardous vegetation, except as otherwise provided herein, if such vegetation is within 100 feet (30.480 m) of a building, within ten (10) feet (3.048 m) of a combustible fence, or within ten (10) feet (3.048 m) of any portion of any highway, street, alley, or driveway improved or used for vehicular travel or other vehicular purposes. Distances up to 200 feet (60.960 m) or greater from a building or structure may be necessary as determined by the Chief. This requirement does not apply to the maintenance of trees, ornamental shrubbery or plants which are used as ground cover, provided such are landscape materials that are properly irrigated and maintained and do not provide a ready fuel supply to augment the spread or intensity of a fire.

**16.3.2 Adjacent to Building.** Keep all trees, shrubs, and other vegetation or portions thereof, adjacent to or overhanging any building or structure free of dead limbs, branches, and other combustible matter.

**16.3.3 Roof Clearance.** Maintain 5 feet (1.524 m) of vertical clearance between roof surfaces and portions of trees or shrubs overhanging any building or structure.

**16.3.4 Chimney Clearance.** Remove any portion of a tree or shrub which extends within 10 feet (3.048 m) of the outlet of a chimney or stovepipe.

**16.3.5 Roof Surface.** Maintain the roofs of all buildings or structures free of leaves, needles, twigs, and other combustible matter.

**16.3.6 Building Clearance--30 feet.** Maintain all hazardous grass, weeds, and small shrubs within 30 feet (9.144 m) of any building or structure. Hazardous vegetation must be maintained less than 3 inches (76 mm) high; cut grass may be left on the slope to protect the soil if it lays down within 3 inches (76 mm) of the ground. Large native shrubs may be retained no closer than an average of 18 feet (5.486 m) apart, provided the lower branches have been trimmed a minimum of 3 feet (914 mm) above the ground, or at least thinned to reduce the available fuel volume.

**16.3.7 Roads.** Maintain trees and shrubs within 10 feet of that portion of any highway, street, alley, or driveway which is improved or used for vehicle travel or other vehicular purposes (except for designated fire roads), so that no leafy foliage, twigs, or branches are within six (6) feet (1.828 m) of the ground (but no more than 1/3 of the crown).

**16.3.8 Combustible Fences.** Maintain all hazardous grass, weeds and other vegetation located within 10 feet (3.048 m) of any combustible fence at a height of not more than 3 inches (76 mm). This shall not require the removal of trees, ornamental shrubbery or plants which are used as ground cover, provided such do not provide a ready fuel supply to augment the spread or intensity of a fire.

**16.3.9 Building Clearance--100 feet.** Maintain all hazardous grass, weeds, shrubs and trees within 100 feet (30.480 m) of any building or structure. Grass and small shrubs may be retained on steep slopes to stabilize the soil and prevent erosion, but may not exceed a height of 18 inches (457 mm). Large native specimen shrubs should be retained where possible, but no closer than an average of 18 feet (5.486 m) apart. Remove all dead foliage, twigs or branches, or live branches within 3 feet (914 mm) of the ground, from mature trees and shrubs (but no more than 1/3 of the crown).

**16.3.10 Cut Vegetation and Refuse.** Remove and/or safely dispose of all cut vegetation and hazardous refuse.

**16.3.11 Soil Erosion Control.** If the abatement of hazardous vegetation results in the exposure of bare mineral soil, or the soil is exposed to such an extent that increased soil erosion would be likely, or the Chief or his designee determines that the abatement has been excessive and poses a threat to the public health, safety or welfare, irrigation and landscaping or a suitable erosion control structure must be provided to establish effective soil erosion control.

**16.3.12 Minimum Requirements.** Nothing contained in this section shall be deemed to preclude the Chief from requiring more than the minimum specific requirements set forth above when the Chief determines that conditions exist which necessitate greater fire protection measures.

**16.4 Notice.** The Council finds that grass, weeds, shrubs, trees, or other vegetation prohibited under Sec. 16.3 increase the danger of fire and thus constitute a public nuisance. If such condition exists, the Glendale Fire Department shall give notice to the owner of record to abate the nuisance within 30 days.

The notice shall state that the owner is required to abate the nuisance and that if the nuisance is not abated the City may take further action which can include, (1) the City, or its contractor, may enter upon the parcel of land and remove or otherwise eliminate or abate the nuisance, (2) that upon completion of such work the cost thereof, including administrative costs, shall become a special assessment against that parcel, and (3) that upon Council confirmation of the assessment and recordation of that order, a lien shall attach to the parcel to be collected on the next regular property tax bill levied against the parcel.

**Section 17 of Volume VI of the Building and Safety Code is hereby amended to read:**

**Section 17 ABATEMENT PROCEDURE**

**17.1 Commencement Of Proceeding.** Whenever the Chief or his designee determines that a public nuisance exists, and the notice under Sec. 16.4 has been given, he shall commence abatement proceedings.

**17.2 Order Of Substandard Property.** When the Chief or his designee finds that any property is substandard, it is declared to be a public nuisance as determined in Sec. 17.1 and based upon its findings, the Chief shall order the abatement of the nuisance.

**17.3 Abatement Proceeding--Service Of Notice.** The Chief shall notify the owner of affected properties as shown on the latest equalized tax assessment roll by mail, of intention to abate the public nuisance. Notices shall be mailed to the address of the property owner not less than 15 days prior to the date of the proposed abatement and shall be done by mailing the same to the owner's address as indicated thereon, and further, by conspicuously posting on the affected premises a copy of the notice.

Failure of any owner, or any party concerned therewith to receive a notice hereunder, shall not affect the validity of any proceeding taken hereunder, if the procedure for service of notice has been followed.

The notice of intention shall be in substantially the following form:

**NOTICE OF INTENTION  
TO ABATE PUBLIC NUISANCE**  
(Name and address of owner of the land)

"As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned, pursuant to the Building and Safety Code of the City of Glendale, Volume VI, Appendix IIA, Sec. 16.4 determined that there exists upon said land or building the following condition which constitutes a public nuisance pursuant to the provisions of the Building and Safety code of the City of Glendale, Volume VI, Appendix, Sec. 16.3.

"You are hereby notified to abate said nuisance within 15 days from the date of mailing of this notice, and upon your failure to do so, the same will be abated by whatever action necessary by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said public nuisance is located.

"As owner of the land on which said public nuisance is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request in writing to the Fire Department a public hearing to contest the finding of the public nuisance on said property. If such a request is not received by the Fire Chief within such 10 day period, the Chief shall have the authority to abate said public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10 day period setting forth your position and intentions regarding the public nuisance on said property with your reasons for denial and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or, in lieu thereof, may present a sworn written statement aforesaid in time for consideration at such hearing."

Notice Mailed

(Date)

s/

Fire Chief

**17.4 Appeal.** The owner of the substandard property may appeal the finding of the Chief or his designee by submitting within a ten day period from the date of the mailing of the Notice, to the Chief, a written request for a hearing before the Building and Safety Appeals Board.

**17.5 Abatement--Hearing Procedure.** All hearings under this Section shall be held before the Building and Safety Appeals Board, which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the property and circumstances related to the nuisance. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing. The Building and Safety Appeals Board may impose such conditions and take such other action as it deems appropriate to carry out the purpose of the provisions of this Section. The decision of the Building and Safety Appeals Board may be appealed to the City Council pursuant to the Uniform Appeals Procedure.

**17.6 Procedure.** If any order of the Building and Safety Appeals Board made pursuant to Sec. 16.3 and Sec. 16.4 of this ordinance is not complied with within the period designated by the Appeals Board, the Chief may then cause such work to be done to the extent necessary to eliminate the public nuisance and other substandard conditions determined to exist by the Appeals Board.

**17.7 Emergency Procedures.** When in the opinion of the Chief or his designee, a substandard structure or substandard property is an immediate hazard to life and property, and the Chief or his designee makes written findings to the effect that abatement of such hazard requires action, the Chief may then cause such work to be done to the extent necessary to eliminate the hazard. At least 24 hours prior thereto, the Chief or his designee shall attempt to contact the property owner to inform the owner of the work to be done and request their assistance or immediate voluntary removal of the hazard. At the time or shortly thereafter the work is performed, the Chief or his designee shall post a notice and mail to the property owner the nature of the work performed. Any individual aggrieved by the action of the Chief under this section, may appeal the determination of the action to the Building and Safety Appeals Board as set forth in Sec. 17.4 herein except that the appeal shall be filed within ten (10) days from the date of mailing the notice of work performed.

**17.8 Costs.** The costs involved in the correction of the substandard conditions shall become a special assessment against the property. In addition to the above costs, an administrative processing fee established by resolution of the Council of the City of Glendale, shall be assessed against each parcel for Fire Department costs associated with abatement. An additional inspection fee shall be established by resolution of the Council of the City of Glendale for charges related to inspection services for vegetation hazard identification. The schedule for such fees shall be maintained on file in the Fire Department. The Chief shall review the fees at least once annually, and shall recommend changes to the Council when the cost for the services make it appropriate. The Chief or his designee shall notify, in writing, all parties concerned of the amount of such assessment resulting from such work. If the total assessment determined as provided for in this Section is not paid within 30 days after mailing of such notice, such charges shall be placed as a special assessment on the tax bill for the property pursuant to Section 38773.5 of the Government Code.

**17.9 Other Abatement Procedures.** The provisions of this Section shall not in any manner limit or restrict the City from enforcing City ordinances or abating public nuisances in any other manner provided by law.