

FIRE CODE

(g) Chapter 49

Section 4901.3 is added to read:

4901.3 Fire Protection Plan. A Fire Protection Plan (FPP), approved by the fire code official, shall be required for all new developments within declared fire overlay districts. The FPP shall include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation; County fire safety overlay districts (FS1 and FS2) and climate of the proposed site. The FPP shall address water supply, access, building ignition and fire resistance, fire protection systems and equipment, defensible space and vegetation management. The FPP shall be consistent with the San Bernardino Development Code or, at the option of the fire code official, with other nationally recognized standards and good practice.

Section 4906 is amended to read:

4906.1 General. Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings in accordance with Section 4906.3.

4906.2 Application. Those areas protected by the Big Bear Fire Authority shall be classified as a *Very High Fire Hazard Severity Zone*.

4906.3 Requirements. It shall be the responsibility of every property owner, occupant, and person in control of any land interest to abate the accumulation of forest fuels around their property, through implementation of the following measures within ten (10) feet of roads and driveways, and within an area surrounding a structure from zero to one hundred (100) feet in the front and rear yards, or to the property lines (whichever is less); and between the structures and side property lines:

- a) Remove all dead, burnable fuels, including but not limited to all pine needles, leaves and branches on roofs, noxious weeds or vegetation, dry grass, logs and snags, grass four inches and higher, pine needles on the ground down to a two-inch depth, and dead branches in bushes and trees. Living or dead trees, and all combustible rubbish, debris, or noxious material that constitutes a fire, health, or safety hazard, or which may endanger or injure neighboring property, or the health, safety, or well-being of persons or property.
- b) Thin dense groups of young trees (less than six inches in diameter) to six to eight foot spacing, measured trunk to trunk. Removal of any live tree with a diameter of more than six inches measured at four and one-half feet above the ground requires approval by the city.
- c) In areas with a continuous canopy, any tree taller than forty-five (45) feet should have its branches trimmed back to the trunk if those branches have any portion lower than twelve (12) to fifteen (15) feet from the ground. A tree shorter than forty-five (45) feet should be trimmed to remove any live or dead branches up one-third of its total height. For non-continuous canopy areas,

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tree branches shall be pruned to remove limbs located less than 6 feet above the ground surface.

Exception: Deciduous, non-native trees and Spruce trees that have all forest litter removed from underneath the base of the tree, the height of pruning can be reduced by 50%.

A minimum vertical separation between the top of a shrub and the bottom lower branches shall be three (3) times the height of the shrub.

- d) Any branches that have any portions less than ten (10) feet from chimney openings shall be completely trimmed. Branches located within ten (10) feet vertical distance from the roof line that overhang a structure shall be removed.
- e) All litter generated from clearing and trimming shall be properly disposed of within one week, except that any logs infested with bark beetles shall be treated prior to removal as recommended by the California Department of Forestry or a qualified tree expert.
- f) Stack cut logs or firewood greater than one cord of wood or 128 cubic feet shall be located ten (10) feet away from any structure or shall be covered with a fire resistive structure or fabric. Firewood should be stacked away from the drip line of trees.
- g) All pine needles and leaves shall be removed when within five (5) feet of a structure.

Exception: Up to two (2) inches of non-combustible duff layer (dark layer of decomposing needles and leaves) may remain to prevent soil erosion.

4906.4 Native Brush and Shrubs.

4906.4.1 Requirements for Shrubs on Properties. Juniper shrubs, Spanish Broom, and native brush shall not be planted or maintained within fifteen (15) feet of any building or structure, including, without limitation, any deck or patio. All owners of any real property shall be required to fully comply with this provision by modifying the offending native brush and shrub, which shall be considered a nuisance, from within fifteen (15) feet of any building or structure.

- a) All native brush and shrubs shall be installed and maintained in a manner that minimizes fire risk, including, without limitation, by removing dead branches and twigs at all heights, modifying the lower foliage of branches, and selectively pruning to reduce the density of the plant.
- b) Native brush shall be installed and maintained with horizontal spacing such that the space between two shrubs (horizontally) shall be a minimum of two times the height of the tallest shrub. Individual shrubs or groups of shrubs

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clumped together shall be modified so that their diameter does not exceed fifteen (15) feet. Groups of shrubs clumped together with a diameter of fifteen (15) feet or less shall be treated as a single plant.

- c) Subsections B, C, and D of this Section shall not apply to an isolated shrub or shrubs that have been heavily modified by thinning and limbing up, nor to activities within the boundaries of a plant conservation easement area that do not, in the opinion of the fire chief, or his or her designee, constitute a fire hazard. In deciding whether such shrub or shrubs constitute a fire hazard, the fire chief, or his or her designee, shall consider: (i) the proximity of the shrub(s) to other buildings or structures; (ii) the types of shrub(s) involved; (iii) the potential threat of the shrub(s) to the public health, welfare and safety; and (iv) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare, including, without limitation, whether such shrub(s) is endangered, rare or threatened.
- d) Cut and/or thinned vegetation shall be disposed of no later than ten (10) days after cutting.

4906.4.2 Definitions / Administration and Enforcement.

A. For the purposes of this appendix, these following terms shall be defined as follows:

1. **Modify or abate** shall mean any action that physically affects a plant, ranging from pruning or thinning to complete removal (other than the removal of the root ball);
2. **Native brush** shall be defined as Manzanita (*arctostaphylos patula*), Service Berry, Mountain Whitethorn, Sage and Mountain Mahogany (*cercocarpus ledifolius*) (brush form) (commonly known in Big Bear Valley as Ironwood), as well as such other species as the fire chief, or his or her designee, may, from time to time, determine constitutes a fire hazard. In making such a determination, the fire chief shall consider, without limitation, the following: (i) the type of native brush and/or shrub species the fire chief, or his or her designee, is considering adding to the definition of "native brush" and whether such species is threatened or endangered; (ii) the fire, health or safety hazard of such native brush and/or shrub species to the territory of the Authority and the surrounding community; (iii) the ability of the native brush and/or shrub species to damage neighboring property; (iv) the ability of the native brush and/or shrub species to adversely impact the health, safety or welfare of persons and/or property; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare;
3. **"Owner"** means any person, firm, corporation or entity, including without limitation, any homeowner's association that has any legal or equitable interest in real property, as shown on public records. In the event real property is leased

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or rented, the lessee or tenant shall be responsible for all obligations imposed on any owner under this chapter;

4. **"Shrubs"** means a woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground. Shrubs include, without limitation, native brush;
5. **"Vacant lot(s)"** means a parcel(s) of property currently undeveloped or unimproved by any building or structure.

B. The fire chief, or his or her designee, shall enforce the provisions of this chapter with respect to any and all properties as he or she deems necessary for the public health, safety and welfare. In making such a determination, the fire chief, or his or her designee, shall consider: (i) the proximity of the brush and/or shrubs to other buildings or structures; (ii) the types of brush and/or shrubs involved; (iii) the potential threat of the brush and/or shrubs to the public health, welfare and safety; (iv) the determination of any other public agencies as to the fire danger of the area; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare.

Any public official or person designated to administer or enforce the chapter shall be authorized to enter upon private property in order to conduct an inspection, post notices, perform abatement/modification, or any other action necessary or convenient to the administration and enforcement of this chapter. In the event a judicial warrant is required, such person or designee shall obtain a warrant pursuant to the California Code of Civil Procedure, Sections 1822.50 et seq.

4906.4.3 Environmental Exemptions. The modification of brush or shrubs, as described in this appendix, shall be exempt from the provisions of this chapter if any or all of the following would occur:

- a) The activities would result in the taking of endangered, rare, or threatened plant or animal species. By way of example, and not by way of limitation, the following species of plant are, as of the date of the ordinance adopting this chapter, not threatened or endangered and are subject to the provisions of this chapter:
 1. The arctostaphylos patula species of Manzanita;
 2. The cercocarpus ledifolius species of Mountain Mahogany (brush form) (commonly known in Big Bear Valley as Ironwood);
 3. Sage species that occur in the Big Bear Valley.
- b) The activities would result in significant erosion and sedimentation of surface waters. The owner of each piece of real property shall, when performing modifications required by this chapter, keep soil disturbance to a minimum,

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especially on steep slopes. Erosion control techniques such as leaving root balls intact, minimizing use of motorized equipment, and covering exposed disturbed soil areas with mulch or similar materials shall be employed in order to help reduce soil erosion and plant re-growth.

4906.4.4 Exceptions.

- a) Nurseries and other similar agricultural and/or horticultural uses shall be exempt from this chapter, provided the fire chief, or his or her designee, shall have the discretion to enforce the provisions of this chapter with respect to such businesses as he or she deems necessary to promote the public health, safety and welfare as it relates to fire safety and/or the health of the forest. In using his or her discretion, the fire chief, or his or her designee, shall consider: (i) the health of the brush and/or shrubs involved; (ii) whether the brush and/or shrubs pose a risk to the public health, safety or welfare of the community; (iii) the type of brush and/or shrubs involved; (iv) the owner's maintenance activities involving the brush and/or shrubs; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare, including, without limitation, whether such shrub(s) is endangered, rare or threatened.

- b) Up to two inches of dead pine needles, leaves and other soils amendments for soil replenishment and forest safety may be permitted, when in the opinion of the fire chief, or his or her designee, they do not constitute a fire hazard. In deciding whether they present a fire hazard, the fire chief, or his or her designee, shall consider:
 - 1. The proximity of the pine needles and leaves to buildings or structures;
 - 2. The height of the lower branches of shrubbery from the ground;
 - 3. The condition of the shrubbery, (e.g., free from dead and dying limbs and leaves);
 - 4. The sectioning of the shrubbery; and
 - 5. Any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare.

4906.4.5 Protection of Sensitive Biological Resources

- A. Should any owner receive a NOTICE TO ABATE form that mandates the modification of native brush or shrubs other than the following shrub species: Juniper, Spanish Broom or native brush species: Manzanita, Service Berry, Mountain Whitethorn, Sage, or Mountain Mahogany and the property falls within the potential sensitive shrub resource area (as set forth in the Authority's official records, and which may be amended from time to time), a sensitive plant survey will be required for the property prior to any abatement activities. If it is unclear whether a particular property falls within the potential sensitive shrub resource area or whether or not sensitive plant surveys are required, the owner must contact the Authority or the City of Big Bear Lake Planning Department. The City's Planning Department or Authority shall provide requesting owners with a list of

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qualified surveyors, which list may be updated or revised at the discretion of the City or Authority. Ideally, sensitive plant surveys should be conducted between June and August to encompass the blooming periods of those sensitive plants that are the most difficult to detect outside the blooming period; however, the sensitive plant survey can be conducted during other parts of the year (aside from periods when snowfall is covering the ground) if necessary. Upon completion of the survey, the surveyor shall advise the owner as to any known or potential sensitive plants that should be avoided during abatement activities. A form shall be completed at the end of the survey that will provide details as to the results of the survey. The surveyor shall provide a copy of the form to the owner and the Planning or Fire Departments. The owner shall not conduct any modification without prior written approval of the City or Authority. All surveys required by this subsection shall be conducted within a reasonable time as determined by the fire chief, or his or her designee.

- B. If any native brush modification is required for more than twenty (20) shrubs and vegetation modification activities cannot be performed outside the nesting season (typical nesting season is March 15 through August 15), a nesting bird survey shall be performed less than one week prior to vegetation modification activities. Should the owner be required to conduct a nesting bird survey, he or she shall contact the Authority or the City of Big Bear Lake Planning Department for a list of qualified nesting bird surveyors, which list may be updated or revised at the discretion of the Fire Authority or the City. Upon completion of the survey, the surveyor shall advise the owner as to any shrub(s) containing nesting birds that should not be modified until the completion of the nesting cycle. A form shall be completed at the end of the survey that will provide details as to the results of the survey. The surveyor shall provide a copy of the form to the owner and the Planning and/or Fire Departments. The owner shall not conduct any modification without prior written approval of the City or Authority. All surveys required by this subsection shall be conducted within a reasonable time as determined by the fire chief, or his or her designee.
- C. Any owner receiving a NOTICE TO ABATE form (for any number of shrubs) will also receive a pamphlet pertaining to providing protection for nesting birds. The pamphlet will describe the Migratory Bird Treaty Act, and suggest that if vegetation modification will occur during the nesting season (March 15 through August 15), owners need to check for the presence of active bird nests and avoid modification of any vegetation containing an active bird nest (or vegetation within twenty-five (25) feet of the active bird nest) until the young have fledged.

4906.5 County of San Bernardino Ordinance Relating to Fire Hazards and Hazardous Trees and Fire Access Road Obstructions. Notwithstanding anything to the contrary, owners of property located in the unincorporated portion of the Authority territory that were previously in compliance, shall be excepted from compliance with this Chapter provided that such property is in compliance with the County of San Bernardino ordinance relating to the abatement of fire hazards and hazardous trees and fire access road obstructions as it may be amended from time to time.

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4906.6 Hazardous Trees. The provisions of this chapter shall apply to any live or dead tree which constitutes a fire, health or safety hazard or which may endanger or injure neighboring property, or the health, safety or well-being of persons or property; and it shall be the duty of every owner, occupant and person in control of any land or interest therein to abate.

4906.7 Outdoor Storage and Uses.

1. The outdoor storage of any materials or equipment not accessory to the primary use of the property, including lumber, construction materials, inoperable vehicles, auto parts, household appliances, pipe, drums, machinery, furniture, or trash, which is readily visible from off-site, is prohibited; provided, however, that this paragraph shall not preclude the storage of firewood on the property.
2. No open storage shall be permitted in any required front or side yards adjacent to a street or highway in residential zones.