

Fire Hazard Abatement Ordinance

Napa County

OVERVIEW

REGION

Northern California

POPULATION

137,000

TOOL TYPES

Fire Hazard Abatement Ordinance, CWPP

LEAD AGENCIES

Planning, Building, and Environmental Services Department (code enforcement), Fire Department

CLIMATE IMPACT AREA

Wildfire Resilience



SUMMARY

In 2019, Napa County updated its Fire Hazard Abatement Ordinance and associated Defensible Space Guidelines to include standards that currently go above-and-beyond California State requirements in Public Resources Code 4291. These standards include a requirement for an ember-resistant zone within five feet of a structure for all new construction in unincorporated County areas. All defensible space requirements are enforced by the Napa County Fire Department, which is staffed by the California Department of Forestry and Fire Protection (CAL FIRE) employees through a contract with Napa County.

The updated ordinance was in response to the October 2017 fires, and other subsequent fires, which destroyed around 1,300 homes (10% of the County's housing stock) in unincorporated areas of Napa County. Lessons learned during these fires inspired the Planning, Building, and Environmental Services Department, Fire Department, and County Board of Supervisors to take additional actions to protect homes during future wildfire events. The County is also working closely with the Napa Communities Firewise Foundation to help property owners build community wildfire resilience and achieve community-wide fuels reduction goals outlined in their Countywide Community Wildfire Protection Plan (CWPP).

This case study was selected as a Wildland-Urban Interface (WUI) Planning Best Practice because it illustrates a proactive and science-based approach to mitigating wildfire threats to structures, including ember ignitions within the zone closest to a structure. In addition, the success of these regulations is based on close collaboration among multiple county departments. Finally, this case study also shows how other voluntary wildfire risk reduction programs can work in tandem to support regulatory approaches.

Fire Hazard Abatement Ordinances are local regulations that dictate the maintenance of flammable vegetation or other fire hazards on private property. These regulations may be adopted as a standalone ordinance or within a chapter of municipal code. These regulations are often paired with inspection and enforcement mechanisms such as annual notices to abate, scheduled inspection programs, and fines or penalties for non-compliance.

TOOL DESIGN

Napa County's recent Fire Hazard Abatement Ordinance amended Chapter 8.36 (Fire Protection – Fire Hazard Abatement) of the County Municipal Code. Amendments were based on lessons learned during wildfire events, including a high number of structure losses from embers igniting combustible materials near structures, such as decks, patio furniture or ornamental plants.

In response, the County established a requirement for all new construction to create an ember-resistant zone—a noncombustible zone within five feet of a structure using non-combustible landscaping materials and/or approved high-moisture-content annuals and perennials. The ordinance became applicable immediately for new construction but gave existing property

owners until 2023 to comply, when State Board of Forestry regulations take effect. The ordinance will be amended to include this additional requirement for existing properties then.

The Fire Hazard Abatement Ordinance also specifies the responsibilities of adjacent property owners. When a structure is less than one hundred feet from a property line and prohibited materials on an adjacent parcel present a fire hazard to the structure, the property owner of the adjacent parcel is responsible for clearing the area.

To comply with the County's Fire Hazard Abatement Ordinance, all properties must follow the Fuel Treatment Requirements within the Napa County Defensible Space Guidelines. These guidelines were also amended to provide greater specificity and direction for property owners, including considerations for defensible space and recommendations for decreasing fire hazards, such as removing combustible outdoor furniture and doormats, regularly clearing fallen leaves and needles from the property during fire season, and using only inorganic, non-combustible mulches such as stone or gravel.

Fuel treatment requirements in the Defensible Space Guidelines include:

1. *Maintain a buffer by removing and clearing all prohibited materials, including Pyrophytic species (e.g., Manzanita, Sargent Cypress, Tan Oak, Cedars, False Cypress, Junipers, Palm, Spruces, or Pines), within 30 feet of each structure.*
2. *Remove dead and dying woody surface fuels and aerial fuels within the Reduced Fuel Zone (30 - 100 ft from any structures). Loose surface fuels shall be permitted to a maximum depth of three inches.*
3. *Provide at least 100 feet of defensible space around all structures on the property, or to the property line if it is less than 100 ft from any structure. While 100 ft is a minimum, brushes and shrubs may require longer clearance distances depending on topography and fuel loads.*

IMPLEMENTATION

In 2007, Napa County's Fire Hazard Abatement Ordinance was originally adopted to establish requirements for the abatement of nuisances that create fire hazards around structures. As a result, compliance and enforcement of Chapter 8.36 follows a typical public nuisance abatement process.

First, an enforcement officer working with the County Fire Marshal's Office (either staff from code compliance or the fire department) issues an order of abatement for any nuisance on any property that is in violation of the fire hazard ordinance. Property owners have 14 days to comply with an order to abate. Property owners do have an opportunity to appeal; however, if they do not ultimately comply with the abatement order, the county will abate the nuisance utilizing private contractors or County staff at the expense of the property owner. Costs incurred may include costs associated with administering abatement and any failed appeals, in addition to the actual cost of the work done.

If a property owner does not pay this bill within 45 days of receipt, the bill will be sent to the County Auditor, who will then levee a tax assessment (or lien) against the parcel to be collected when annual property taxes are paid.



Example of fire resistant landscaping in Napa County that incorporates local defensible space guidelines. Image: Napa County Fire Department



A house in Napa County is rebuilt following a wildfire, incorporating new regulations for a five-foot ember-resistant zone. Image: Napa County Fire Department

COLLABORATION & ENGAGEMENT

The success of Napa County’s Fire Hazard Abatement Ordinance can be attributed to close collaboration between the County Fire Department, Code Enforcement Division (part of the Planning, Building and Environmental Services Department), and the County Auditor. Code enforcement officers work in tandem with the County Fire Marshal’s Office to ensure successful implementation and the County Auditor ensures that any costs associated with abatement on non-compliant properties are recovered. Further, this ordinance shows that county fire departments staffed by CAL FIRE employees can implement local ordinances that go above and beyond state requirements.

Napa County Fire Department also offers all property owners (including both residential and commercial properties) consulting inspections. This program is intended to assist property owners that have already met their defensible space requirements, with recommendations for additional hazard reduction work. Fire

department staff, armed with their knowledge of fire behavior, inspect properties upon request and provide property owners with additional recommendations. Some recommendations have included extending defensible space beyond the minimum requirements, or even the creation of shaded fuel breaks on larger properties, like vineyards. This program is available during the winter months, so property owners have time to implement any recommendations before warmer weather comes.

INNOVATIONS

Supporting the implementation of fire hazard abatement and defensible inspections is the County’s free Chipping Program. Property owners in unincorporated areas of Napa County do not always have the financial resources to perform annual defensible space. To help residents comply, the County offers a free chipping program for all residential properties located within fire hazard areas (this includes most properties in rural, unincorporated areas). Crews will chip for a maximum of three hours on a single visit or piles

up to a maximum size. Crews can return to chip additional piles of vegetation, and there is no limit to the number of piles property owners can chip during a single season.

In addition to the free chipping program, the Napa Communities Firewise Foundation is working to support the County in achieving its broad wildfire risk reduction goals. The Foundation worked with more than 20 agencies and organizations, including the County Fire and Planning Departments and 13 local Fire Safe Councils, to create a five-year community-wide fuels reduction plan in their [2021 Community Wildfire Protection Plan \(CWPP\)](#).

The plan includes a collection of interactive maps and story maps that outline major priority projects for the first few years of the plan period. Some of these projects include emergency access and egress corridors, community perimeter fuel breaks, maintenance of selected historic containment lines, as well as continued support for the local Fire Safe Councils within the County.

FUNDING SOURCE

County Municipal Code (8.36.160) requires that any expense, including administrative expenses that the County incurred as a result of prohibited materials or other similar accumulations removed, or because of any other steps necessary to abate the fire hazard nuisance, are charged to the parcel owner. These costs are recovered through the process outlined previously in the implementation section.

To fully implement the five-year CWPP, it will cost an estimated \$43 million, of which \$5.4 million has been allocated for the first years of implementation by the Napa County Board of Supervisors. In addition to this initial investment in plan implementation, the County is working to secure more reliable funding. One option being considered is a quarter-cent [wildfire prevention sales tax](#) that would provide the funding needed to fully implement the \$43 million 5-year plan and any continuations.

ADDITIONAL CONSIDERATIONS

REPLICABILITY

For communities considering adopting enhanced defensible space requirements, Napa County's process offers several key insights:

1. *Communities that develop defensible space provisions that go above and beyond state minimum requirements will benefit from also providing additional guidance and direction on the implementation of such requirements.*
2. *Free chipping programs and voluntary fire hazard evaluations (in addition to required inspections) can incentivize community members to complete their annual vegetation management work.*
3. *Partnerships with community organizations, like local or regional Firewise groups or Fire*



*Chipping programs can incentivise community members to complete their annual vegetation management work.
Image: Steve Cook*

Safe Councils, can support the funding and implementation of defensible space alongside other vegetation management activities.

RESPONDING TO DATA, STATE REGULATIONS, & CLIMATE CHANGE IMPACTS

The Bay Area Regional Report of the 4th California Climate Assessment outlines that projections of future wildfire activity in the region must incorporate weather conditions (temperature, wind, or precipitation), vegetation accumulation, as well as patterns of land use (increasing development in the WUI, ongoing urbanization). In some areas, risk to the built environment may increase with additional development, while in others, more concentrated urbanization may reduce overall wildfire risk.

One highlight from the report states that “land use planning, together with fire-safe building standards and near-building vegetation management, are important strategies for managing future fire risk to people and structures.”

Napa County’s Fire Hazard Abatement Ordinance supports the risk reduction outcomes recommended in the 4th Climate Change Assessment Regional Report for “near-building

vegetation management,” and enhances state defensible space guidelines, including Public Resource Code (PRC) 4291. Research and guidance from the National Fire Protection Association (NFPA) and the Insurance Institute for Business and Home Safety (IBHS) on the importance of an ember-resistant zone (zero to five feet surrounding structures) supports the efficacy of Napa County’s Fire Hazard Abatement Ordinance on protecting homes from ignition during wildfire events. The ember-resistant zone included in the ordinance is also now also codified into state law for State Responsibility Areas (SRAs) and will be included in new Board of Forestry and Fire Protection regulations by January 1, 2023 (AB 3074, Fire prevention: wildfire risk: defensible space: ember-resistant zones).

FURTHER INFORMATION

For more information on Napa County’s defensible space and chipping programs, please visit the Napa County Fire Marshal’s Office website. To learn more about Napa County’s CWPP and 5-year community fuels reduction plan please visit the Napa Communities Firewise Foundation website.

This case study is part of a series of Wildland-Urban Interface (WUI) Planning Best Practices. Each case study focuses on a specific planning tool (or set of tools) that a community is utilizing to reduce risk and build resilience to wildfire across the state of California. This project is part of California Climate Investments, a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy, and improving public health and the environment – particularly in disadvantaged communities.

