



(i) Removing, defacing, damaging or destroying any sign, gate, garbage can, or structure or facility which has been posted in accordance with the provisions of Section 10-1509.

SECTION 10-1508. PENALTIES AND ENFORCEMENT. Failure to comply with the provisions of sections 10-1506 or 10-1507 shall be punishable as a misdemeanor.

SECTION 10-1509. POSTING. The Chief Administrative Officer or his or her designee, as well as those having jurisdictional authority, shall have the authority to post and maintain appropriate signs at such locations as in the opinion of the Chief Administrative Officer or designee will give reasonable notice to the public of the provisions of this article.

SECTION 10-1510. DEFENSIBLE SPACE REQUIREMENTS.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "Aerial Fuel" means all live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs, cones, snags, moss and high brush. Examples of aerial fuel include trees and large bushes.

(2) "Defensible space" is the area within the perimeter of a parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. Defensible space can be created by removing dead vegetation, separating fuels, and pruning lower limbs.



(3) “Firebreak” means an area of land within thirty (30) feet of an occupied dwelling and structure in which dangerous accumulation of flammable vegetation or other combustible growth has been removed and cleared away. The creation of a firebreak shall not require the removal of single specimens of trees or other vegetation that is well pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure.

(4) “Flammable and combustible vegetation” means any fuel.

(5) “Fuel” means live or dead vegetative material which is combustible during normal summer weather. This does not include fences, decks, woodpiles, or trash.

(6) “Horizontal Clearance” means the distance between aerial fuels, such as the outside edge of tree crowns or high brush. Horizontal clearance helps stop the spread of fire from one fuel to the next.

(7) “Surface Fuel” means loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones and small branches that have not yet decayed enough to lost their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

(9) “Vertical Clearance” means the distance between lower limbs of aerial fuels and the nearest surface fuels and grass or weeds.



Vertical clearance helps prevent fire from moving from shorter fuels to taller fuels.

(b) Application. The requirements of this section shall apply to the following parcels:

(1) Parcels located in the territory of the City of Fresno between the midpoint of the San Joaquin River and the southerly bluff edge between Highway 99 and Highway 41;

(2) Parcels located within the Bluff Preservation Overlay District which abut the bluff edge.

(c) Defensible Space Requirement. Any person, corporation or other entity owning, leasing, occupying or directly controlling or having charge of any property subject to this article shall comply with the following standards for maintaining defensible space with respect to the area surrounding any inhabited dwellings and structures from April 15 through September 30 of each year as follows:

(1) Maintain a firebreak by removing and clearing away dangerous accumulation of flammable vegetation and other combustible growth within thirty (30) feet of each inhabited dwelling and structure. This requirement does not apply to endangered, rare, or threatened plant species that are found within thirty (30) feet of an inhabited dwelling and structure. Single specimens of trees or other vegetation may be retained provided they are well spaced, well pruned, maintained in a live condition and create a condition that avoids the spread of fire to other vegetation or to a building or structure. Grass four (4)



inches or shorter in height may be retained where necessary to prevent erosion or when isolated from other fuels.

(d) Failure to Maintain Defensible Space. It is unlawful and a public nuisance for any person, corporation or other entity owning, leasing, occupying, directly controlling or having charge of any property subject to this article to maintain the following conditions on said property which endanger the public safety by creating a fire hazard:

(1) A dangerous accumulation of flammable vegetation or combustible growth located within thirty (30) feet of an occupied dwelling and structure which prevents the creation of a firebreak and endangers public safety by creating a fire hazard; or

(2) Brush or other flammable material within ten feet of a propane tank.

(3) A dangerous accumulation of dry grass, dead or decayed trees, weeds, brush or leaves, needles, or other dead vegetative growth located adjacent to any occupied dwelling or structure such that it endangers public safety by creating a fire hazard.

(e) No person shall be required to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon, remove vegetation or damage property that is owned by another person without the consent of that person.



(f) The provisions of Section 10-1510(c) and (d) shall not apply to land or water area that are acquired or managed for one or more of the following purposes or uses:

(1) Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government;

(2) Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities;

(3) Open space lands that are environmentally sensitive parklands;

(4) Other lands having scenic values, as declared by the local agency or by state or federal law;

(5) Cultivated agricultural land or land used for animal grazing.

(g) Enforcement. This section shall be enforced pursuant to the provisions of Chapter 10, Article 6 relating to abatement of public nuisances.

SECTION 10-1511. PROGRESS REVIEW. A review of the effectiveness of this ordinance shall be conducted after one (1) year, or at any time deemed necessary by the City Council. The City Council may direct staff to provide any information necessary for evaluating the effectiveness of this ordinance.

SECTION 2. SEVERABILITY. The City Council declares that the provisions of this ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.



SECTION 3. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. one hundred eighty (180) days (six months) after its passage and upon the passage of a similar ordinance by the County of Fresno with substantially the same protections, obligations, limitations and duties defined within this ordinance that protects those areas of the San Joaquin River and Bluffs within the jurisdiction of the County within six (6) months of the passage of this ordinance. The Council approval of this ordinance shall terminate and become of no further force and effect unless the City Manager makes a written determination the County of Fresno has passed an ordinance with substantially the same protections, obligations, limitations and duties within six (6) months of the final passage of this ordinance.