

AN ORDINANCE OF THE COUNTY OF LASSEN, STATE OF CALIFORNIA

AN URGENCY ORDINANCE OF THE COUNTY OF LASSEN, CONCERNING DEBRIS REMOVAL  
FROM THE DIXIE FIRE AND BECKWOURTH COMPLEX FIRE

County Counsel Summary

This urgency ordinance establishes regulations for the conduct of debris removal by property owners from properties damaged by the 2021 Beckwourth Complex Fire and the Dixie Fire in Lassen County. The regulations are applicable to property owners opting out of Phase 2 of the debris removal program sponsored by the State of California. This ordinance is an urgency ordinance pursuant to Government Code section 25123 and will take effect immediately upon adoption.

WHEREAS, on June 30, 2021 and July 2, 2021, lightning strikes ignited the Dotta and Sugar Fires, in Plumas County. The fires were combined into a single incident and became known as the Beckwourth Complex Fire; and

WHEREAS, on July 13, 2021, the Dixie Fire was started, and on July 22, 2021, the Fly Fire was started. The cause of both fires is still under investigation. On July 26, 2021, the two fires merged and became known as the Dixie Fire. (As the fires have merged, references to the Dixie Fire refer to both the Dixie and Fly Fires); and

WHEREAS, Lassen County Code Section 11.14.060 empowers the Lassen County Sheriff and Director of Emergency Services to proclaim the existence of a local emergency when the County is affected or likely to be affected by a public calamity and the Board of Supervisors is not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property within the County of Lassen were caused by wildfire known as the Beckwourth Complex Fire on the 10th day of July, 2021, at which time the Board of Supervisors was not in session; and

WHEREAS, conditions of extreme peril to the safety of persons and property within the County of Lassen were caused by wildfire known as the Dixie Fire, on July 21, 2021, when the Sheriff of Lassen County did, in fact, proclaim a local emergency due to the Beckwourth Complex Fire, at which time the Board of Supervisors was not in session; and

WHEREAS, the Lassen County Board of Supervisors confirmed and ratified said emergency proclamation of local emergencies for the Beckwourth Complex on July 13, 2021, in Resolution 21-033, and for the Dixie Fire on July 27, 2021, in Resolution No. 21-037. The resolutions confirmed request made to the Governor of the State of California that he also proclaims the County of Lassen to be in a State of Emergency and that he makes available assistance under the California Disaster Assistance Act and relief programs to Lassen County and further that the Governor immediately request and support a Presidential Declaration; and

WHEREAS, on July 16, 2021, the Governor of the State of California proclaimed a State of Emergency for multiple fires caused by lightning strike, including the Beckwourth Complex Fire pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code; and

WHEREAS, on July 23, 2021, the Governor of the State of California proclaimed a State of Emergency for the Dixie and Fly Fires pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code; and

WHEREAS, on July 23, 2021, Dr. Kenneth Korver, MD the County of Lassen's Local Health Officer, issued a Declaration of Health Emergency, Declaration No. 2021-01, pursuant to California Health and Safety Code Section 101080, for the Beckwourth Complex Fire; and

WHEREAS, on August 18, 2021, Dr. Kenneth Korver, MD the County of Lassen's Local Health Officer, issued a Declaration of Health Emergency, Declaration No. 2021-02, pursuant to California Health and Safety Code Section 101080, for the Dixie Fire; and

WHEREAS, the Lassen County Board of Supervisors confirmed and ratified said Declaration of Local Health emergency for the Beckwourth Complex on July 27, 2021, in Resolution 21-038, and for the Dixie Fire on August 24, 2021, in Resolution No. 21-041; and

WHEREAS, as of September 16, 2021, the Beckwourth Complex Fire has burned 105,670 acres in Lassen and Plumas Counties, and had damaged or destroyed 100 structures in Lassen County. The Dixie Fire has burned 960,470 acres with 86% containment throughout Lassen, Butte, Shasta, Tehama, and Plumas Counties and has damaged or destroyed 65 structures in Lassen County. Both fires have created an enormous amount of debris having potential for widespread toxic exposure to threats to public health and safety; and

WHEREAS, there exists the potential for widespread toxic exposures and threats to public health and the environment in the aftermath of a major wildfire disaster, and debris and ash from residential and commercial structure fires contain hazardous materials and the harmful health effects of hazardous materials produced by a wildfire are well-documented; and

WHEREAS, the combustion of building materials such as siding, roofing tiles, and insulation results in dangerous ash that may contain asbestos, heavy metals and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have burned in the fire, also producing hazardous materials; and

WHEREAS, exposure to hazardous materials may lead to acute and chronic health effects and may cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust and contamination of drinking water supplies. Improper handling can expose residents and workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community; and

WHEREAS, standards and removal procedures are needed immediately to protect the public safety, health and environment, and to facilitate coordinated and effective mitigation of the risks to the public health and environment from the health hazards generated by the Beckwourth Complex and Dixie Fires disaster; and

WHEREAS, the Dixie Fire and Beckwourth Complex Fire have created hazardous waste conditions in the County of Lassen in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of hundreds of structures. This hazardous waste debris poses a substantial present or potential hazard to human health and the environment until the property is certified clean. The accumulated exposure to hazardous waste debris over an extended period of time poses a severe hazard to human health; and

WHEREAS, at this time, Lassen County has requested the state's assistance to participate in the State's Consolidated Debris Removal Program for both the Dixie Fire and the Beckwourth Complex.

References to “Beckwourth Complex and Dixie Fires” are intended to refer to the fires that Cal OES agrees to include in the government program; and

WHEREAS, the Department of Toxic Substances Control has issued reports regarding the assessment of burn debris from wildfires in the past. The studies of burned residential homes and structures from large scale wildland fires indicated that the resulting ash and debris can contain asbestos and toxic concentrated amounts of heavy metals such as antimony, arsenic, cadmium, copper, lead, and zinc. Additionally, the ash and debris may contain higher concentrations of lead if the home was built prior to 1978 when lead was banned from household paint in the United States. The reports indicated that the residual ash of burned residential homes and structures has high concentrations of heavy metals that can be toxic and can have significant impacts to individual properties, local communities, and watersheds if the ash and debris is not removed safely and promptly; and

WHEREAS, adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code; and

WHEREAS, it is essential that this Urgency Ordinance become immediately effective to mitigate the harm that could be caused to the public health and safety and to the environment from the improper disturbance, removal and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Beckwourth Complex and Dixie Fire disasters; and

WHEREAS, the County of Lassen desires to adopt these regulations on an urgency basis pursuant to California Government Code section 25123, which allows ordinances to become effective immediately if the ordinance is for the immediate preservation of the public peace health or safety, which shall contain a declaration of the facts constituting the urgency, and be passed by a four-fifths vote of the Board of Supervisors; and

WHEREAS, California Government code section 25131 expressly authorizes the Board of Supervisors to adopt such an urgency ordinance immediately upon its introduction.

NOW, THEREFORE, THE LASSEN COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section 1. The above recitals are incorporated herein by this reference.

Section 2. Urgency Findings. The Board of Supervisors hereby finds that the adoption of this ordinance is for the immediate preservation of public peace, health and safety. This Urgency Ordinance is adopted pursuant to California Government Code Sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors.

Section 3: Mandatory Fire Debris and Hazardous Materials Removal Requirements. This ordinance establishes a mandatory Fire Debris removal requirement that sets forth the manner in which Structural Debris and Hazard Trees will be identified and removed. Structural Debris and Hazard Trees must be removed for the immediate preservation of the public peace, health and safety.

Section 4: Definitions.

"Abatement Costs" means any County costs or expenses reasonably related to the abatement of conditions which violate this Ordinance of the County Code, and shall include, but not be limited to enforcement, investigation, collection and administrative costs, third-party costs incurred by the County, fire debris removal and disposal costs, and any other costs associated with the removal or correction of the violation.

"Administrative Costs," means any costs or expenses incurred by County staff reasonably related to enforcement, for items including, but not limited to, site inspections, travel time, investigations, telephone contacts and time spent preparing summaries, reports, notices, correspondence, warrants and hearing packets. The time expended by the Enforcement Officer and other county staff, and third-party consultant or contractor costs, to identify, investigate, determine and calculate any Abatement and Administrative costs and including the preparation of itemized invoices, may also be recovered.

"Alternative Program" means the requirements for inspections, clean up and disposal of Structural Debris established by the County for property owners that opt out of, are ineligible for or are disqualified from the Government Program.

"Arborist" means an ISA Certified Arborist with a Tree Risk Assessment Qualification (TRAQ).

"Arborist's/Forester's Certification" means a written certification verifying that all Hazard Trees have been removed from a parcel participating in the Private Tree Program. The certification shall be made and executed by an Arborist and/or Forester as defined in this Chapter. The Arborist or Forester shall provide evidence of the required qualifications of this Chapter.

"Beckwourth Complex" means and includes all of the Dotta Fire and Sugar Fire that are wildfire incidents thought to be caused from lightning strikes in Plumas County, California, on June 30, 2021 and July 2, 2021, and then combined to be titled the Beckwourth Complex Fire.

"Beckwourth Complex and Dixie Fires" In the event that Phase II work is not authorized for either the Beckwourth Complex or the Dixie Fire, instances of "Beckwourth Complex and Dixie Fires" shall be deemed to refer to only that fire which has been approved for inclusion in the Government Program.

"Board" means the Lassen County Board of Supervisors.

"Cal OES" The California Governor's Office of Emergency Services.

"County" means the County of Lassen.

"Director of Emergency Services" means the Lassen County Director of Emergency Services or designee pursuant to Chapter 11.14 Emergency Organization of the Lassen County Code.

"Displaced Person(s)" A Lassen County resident or residents whose residential dwelling has been destroyed or damaged by the Beckwourth Complex or Dixie Fires, such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the County to substantiate their eligibility for uses, permits and/or approvals described in this Ordinance. Evidence may consist of verification by CAL OES or Federal Emergency Management Agency (FEMA) registration or damage assessment, and/or a driver's license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the Beckwourth Complex or Dixie Fires, as determined by the County. Such determination may be made by the Director of Emergency Services or other authorized County personnel.

"Dixie Fire" means and includes all of the Dixie Fire wildfire incident that is thought to have begun burning in Plumas County on July 13, 2021, and the Fly Fire wildfire incident that began burning on July 22, 2021, and are both currently under investigation as of September 16, 2021.

"Effective Date" The date of the Board of Supervisors adoption of this Chapter.

"Eligible Parcel(s)" means a parcel that is an improved public property.

“Eligible Road(s)” means a public road or right-of-way.

“Enforcement Officer” means any person authorized pursuant to Lassen County Chapter 1.18 Public Nuisances as an “enforcing officer.” The Director of Emergency Services or designee shall also be authorized by the County of Lassen to enforce this chapter as an “enforcing officer.”

“Environmental Health Director” means the Lassen County Director of Environmental Health, or his or her designee(s), or superior. Such designee(s) may be a County employee(s) or third-party provider(s).

“FEMA” The Federal Emergency Management Agency or successor agency.

“Fire Debris” and/or “Hazardous Materials” means Structural Debris and Hazard Trees; including debris, ash, metals, and completely or partially incinerated substances from qualifying structures.

“Forester” means a Registered Professional Forester, qualified pursuant to California Public Resources Code Section 752, “Professional forester.”

“Government Program” means the State’s Consolidated Debris Removal Program for the Beckwourth Complex and Dixie Fires in conjunction with other State and Federal agencies.

“Hazard Tree” means a wildfire-damaged tree that in the professional opinion of an Arborist and/or Forester:

- (a) Has been so severely damaged by the Beckwourth Complex or Dixie Fires that its structural integrity is compromised; and
- (b) Poses an imminent danger of falling onto an Eligible Road or Eligible Parcel.

“Hazard Tree Enforcement Officer” means the “Enforcement Officer” or Lassen County Public Works Director or his/her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

“Inspection access form” means the permit for providing access to the Enforcement Officer to inspect private property of owners opting to use the Private Tree Program approved by the County for use in the cleanup after the Beckwourth Complex and Dixie Fires.

“Phase I” means the household hazardous waste cleanup performed by the United States Environmental Protection Agency and/or Department of Toxic Substances Control on certain properties impacted by the Beckwourth Complex or Dixie Fires.

“Phase II” means the ash and debris cleanup work performed pursuant to the Government Program and/or the Alternative Program.

“Planning Director” means the Lassen County Director of Planning and Building, or his or her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

“Private Action” means the removal of Fire Debris from private property damaged by the Beckwourth Complex and Dixie Fires by persons disqualified from or opting out of the Government Program and participating in the Alternative Program.

“Private Tree Program” means the requirements for inspections, removal and disposal of Hazard Trees established by the County for property owners that opt out of, are ineligible for or are disqualified from the Government Program. The program provides owners with the option of identifying and removing Hazard Tree(s) on their property at their own cost.

“Public Works Director” means the Lassen County Director of Public Works, or his or her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

“Qualifying structure” means a structure of 120 square feet or greater.

“Right of Entry Permit” means the Right-of-Entry Permit for Debris and/or Hazard Tree Removal on Private Property approved by the Cal OES for use in the cleanup after the Beckwourth Complex and Dixie Fires.

“Storage and Distribution Facility” A facility operated in an existing commercial or industrial building and used to store and distribute emergency supplies and commodities to Displaced Persons.

“Structural Debris” and “Hazard Trees” means Fire Debris and/or Hazard Materials may include other wildfire-generated debris including but not limited to burned or partially burned structures of 120 square feet or greater, ash, masonry walls, concrete foundations, contaminated soil, vehicles, trailers, waste or other debris from the property.”

Section 5. Effective Period. This ordinance shall take effect immediately upon adoption and shall remain in effect until October 1, 2022 unless extended by the Lassen County Board of Supervisors.

Section 6. Prohibition on Removal of Structural Debris from Private Property. Any removal of Structural Debris from private property is prohibited except pursuant to the requirements of the table below. For purposes of this Section, the prohibition refers to the removal, transport and disposal of Structural Debris, but it does not include the removal of personal property from residential sites unless such removal of personal property involves cleanup and the removal of ash from the private property.

|   | No structure on burned private property | Non-qualifying structures (Structures less than 120 square feet only on burned private property) | Qualifying structures (Structures 120 square feet and over on burned private property)                                  |
|---|---|--|---|
| Prior to completion of Phase I cleanup  | Owner may remove debris                 | Debris removal prohibited  | Debris removal prohibited   |
| Prior to completion of Phase II cleanup | Owner may remove debris                 | Owner may remove debris with certificate from the Department of Environmental Health             | Government or Alternative Program contractors only may remove debris  |
| Following Phase II cleanup              | Owner may remove debris                 | Owner may remove debris with certificate from the Department of Environmental Health             | Owner may remove remaining debris not removed during Phase II with certificate from the Department Environmental Health |

For the purposes of this Ordinance, the requirement to enter into the Government Program or the Alternative Program shall apply only to properties that contained a qualifying structure or Hazard Trees under the Government Program. The requirement shall not apply to properties that only contained non-qualifying structures, including but not limited to sheds, canopies, carports, well houses, greenhouses, chicken coops or fencing. Whether debris is derived from a qualifying or non-qualifying structure shall be determined by the Environmental Health Director, or his or her designee, in consultation with the State’s Consolidated Debris Removal Program.

Section 7. Removal of Structural Debris and Hazard Trees through the Government Program.

(1) The Government Program will remove qualifying Fire Debris at no out-of-pocket cost to the owner. If an owner does not participate in the Government Program and there is Fire Debris on their property, the owners are required to remove such Fire Debris at their own cost.

(2) To participate in the Government Program, owners must complete and submit a Right of Entry Permit. The Right of Entry Permit shall function as the sole permit and authorization for participation in the Government Program. Notwithstanding any contrary provision in Lassen County Code, no County approvals or permits for the removal of Structural Debris and Hazard Trees are required for properties participating in the Government Program, other than the Right of Entry Permit.

(3) If a property contains Fire Debris and the owner of the property does not participate in the Government Program, the Alternative Program or the Private Tree Program (as applicable), the County may enforce pursuant to Chapter 1.18 Public Nuisances. The County may charge the owners with any administrative and abatement costs related to such enforcement as described below. The costs of the Alternative Program and Private Tree Program are paid by the property owner.

(4) In implementing the Government Program, it is the Board's preference that property owners who have submitted an application for a Lassen County building permit or other development permit shall have priority in the Government Program.

Section 8. Owner's Removal of Structural Debris through the Alternative Program.

(1) The County shall administratively adopt and administer the Alternative Program in the unincorporated areas of Lassen County under the supervision of the Environmental Health Director or his or her designee. The County shall utilize the wildfire debris removal state and federal standards and cleanup goals of the Government Program as the standards for the Alternative Program. Under the supervision of the Environmental Health Director or his or her designee, the County may administratively update these standards as necessary to address ongoing changes in the administration of the Government Program and the need to efficiently remove hazardous Structural Debris from the community.

(2) For those persons who are ineligible for or disqualified from the Government Program, or who opt out of the Government Program, Private Action to remove Structural Debris from fire-damaged properties is prohibited unless and until a hazardous materials inspection has been performed and authorization from the Department of Environmental Health has been provided pursuant to the Alternative Program.

(3) The Alternative Program shall require an application and work plan that identifies the appropriate licensed contractors who will perform the work and the submission of plans that demonstrate that the standards established in the Alternative Program will be met. Work shall not begin until the County approves the application and work plan. The County may rely upon the subject matter expertise of multiple departments in deciding whether to approve the application and work plan.

(4) The Alternative Program will require that: (1) the debris removal and clean-up work on the property meets or exceeds the standards set by the State of California for debris removal; and (2) that the owner deal with any fire destroyed or damaged concrete slabs, masonry wall and foundation systems that are hazardous. Owners may: (a) completely remove and dispose of concrete slabs, masonry walls, and foundations; or (b) pay for and submit a foundation report for review by the County Building Official; or (c) Non-hazardous concrete slabs, masonry walls and/or concrete foundations systems that will not be used for reconstruction may either be removed by the owner or retained in place if they do not constitute a public nuisance. Foundation reports shall only be prepared by a California licensed architect, civil engineer, structural engineer or geotechnical engineer experienced in concrete design. The report shall evaluate if the structural integrity of the concrete slab, masonry wall and/or foundation system is compromised or not. The required foundation report contents and review for completeness shall be determined by the County's Building Official.

(5) Notwithstanding any contrary provision in Lassen County Code, no County demolition permit shall be required for private debris removal work for which the Alternative Program has issued an approval to allow such work to proceed.

Section 9. Owner's Removal of Hazard Trees through the Private Tree Program.

(1) As an alternative to the Government Program's removal of Hazard Trees, the Private Tree Program provides the owner with the option of identifying and removing Hazard Tree(s) on their property at their own cost. To participate in the Private Tree Program, owners shall submit either (1) an inspection access form or (2) an Arborist's/Forester's Certification for their property. Following the owner's identification and removal of Hazard Trees and submittal of an inspection access form, the Private Tree Program shall require the Enforcement Officer to make a visual confirmation of the removal of Hazard Trees on the subject property. This visual inspection of compliance with the Private Tree Program shall be sufficient for meeting the requirements of this Section. When a property owner submits an inspection access form, whether the Hazard Tree removal is adequate shall be in the sole discretion of the Enforcement Officer. In the alternative, when a property owner submits an Arborist's/Forester's Certification, that shall be sufficient for meeting the requirements of this Section.

(2) Notwithstanding anything herein to the contrary, in the Private Tree Program, owners may choose to temporarily retain and promptly utilize felled hazard trees which were standing on their property. This temporary retention and utilization by the owner shall be permitted only to the extent felled hazard trees and incidental foliage, slash, tree branches or limbs and chipped or mulched vegetation do not constitute a fire hazard as prohibited by applicable law, including, but not limited to, California Public Resources Code Section 4291 et seq., Title 19 of the California Code of Regulations and related fire safety laws and defensible space requirements. Information at [www.readyforwildfire.org](http://www.readyforwildfire.org).

(3) The County shall utilize the Hazard Tree removal state and federal standards and cleanup goals of the Government Program as the standards for the Private Tree Program, including, but not limited to, the criteria for determining whether a tree is a Hazard Tree. Under the supervision of the Enforcement Officer, the County may administratively update these standards as necessary to address ongoing changes in the administration of the Government Program and the need to efficiently remove Hazard Trees from the community.

Section 10. Hold on Building Permits. Any issued County of Lassen building permit to repair or reconstruct a fire damaged structure or private infrastructure shall be held in abeyance and not acted upon until Structural Debris cleanup is completed on the affected property and completion is confirmed to the County Building Official, either through the Government Program or the Alternative Program, as applicable. Notwithstanding the foregoing, this Section shall not apply to permits relating to wells or septic systems through the Environmental Health Department.

Section 11. Deadlines and Enforcement.

(1) The Enforcement Officer is authorized to set a deadline for filing an acceptable application for the Alternative Program and Private Tree Program without further Board approval.

(2) Properties that have Fire Debris from the Beckwourth Complex and Dixie Fires and that have not submitted an approved (1) Right of Entry Permit for the Government Program, (2) application for the Alternative Program (for Structural Debris), (3) inspection access form for the Private Tree Program (for Hazard Trees) and/or (4) an approved Arborist's/Forester's Certification for the Private Tree Program (for Hazard Trees) (as applicable) by the deadline(s) set by the Enforcement Officer are declared a nuisance and health hazard and such properties may be abated pursuant to this Chapter.

(3) The Enforcement Officer may set deadlines for the completion of work in the Alternative Program and Private Tree Program without further Board approval. Properties that have Fire Debris from the Beckwourth Complex and Dixie Fires after the deadline set by the Board are declared a nuisance and health hazard and such properties may be abated pursuant to this Chapter.

(4) The Board's intent is to facilitate orderly remediation of a large-scale disaster. Nothing in these deadlines shall limit the authority of the County to abate hazards more quickly where required by

exigent circumstances. Nothing in this Ordinance or in these deadlines shall limit the authority of the Health Officer to require preventive measures as defined in California Health and Safety Code Section 101040.

Section 12. Enforcement and Abatement. When the Enforcement Officer determines that a public nuisance as defined by this chapter and/or Chapter 1.18 of the Lassen County Code, and/or California law to exist within the unincorporated territory of the county of Lassen, the Enforcement Officer may initiate an enforcement action using any process set forth in California law and/or in the Lassen County Code and may seek the imposition of costs and civil penalties pursuant to California law and/or the Lassen County Code. Nothing in this provision is intended to prevent alternate enforcement mechanisms, including but not limited to, Health Officer orders pursuant to California Health and Safety Code Section 101040.

Section 13. General Enforcement Action. When the Enforcement Officer determines that an activity is being performed in violation of this Ordinance, the Enforcement Officer may initiate an enforcement action using any process set forth in California law and/or in the Lassen County Code and may seek the imposition of costs and civil penalties pursuant to California law and/or the Lassen County Code. Nothing in this provision is intended to prevent alternate enforcement mechanisms, including but not limited to, Health Officer orders pursuant to California Health and Safety Code Section 101040.

Section 14. Summary Abatement. Pursuant to the authority of Cal. Const., art. XI, Section 7; California Health and Safety Code Section 101040, California Government Code Section 25845, and the Lassen County Code, if the Enforcement Officer determines that a violation of this Ordinance has created an emergency condition which seriously endangers the public health or safety, the County may abate the condition within the unincorporated territory of the County of Lassen. The costs shall be charged to the property owners(s) and the County may, at its option, recover the same in an administrative action as described below or a civil action. Such charges shall be in addition to any penalty for a violation of this Ordinance.

Section 15. Abatement and Administrative Costs. If a public nuisance is found to be present on the property in violation of this Ordinance, the Enforcement Officer shall pursue payment for Abatement and Administrative Costs from the owner and the owner of the property shall be responsible for paying all of the County's Abatement Costs and Administrative Costs.

The term "Abatement Costs" means any County costs or expenses reasonably related to the abatement of conditions which violate this Ordinance of the County Code, and shall include, but not be limited to enforcement, investigation, collection and administrative costs, third-party costs incurred by the County, fire debris removal and disposal costs, and any other costs associated with the removal or correction of the violation.

The term "Administrative Costs," shall include the cost of County staff time reasonably related to enforcement, for items including, but not limited to, site inspections, travel time, investigations, telephone contacts and time spent preparing summaries, reports, notices, correspondence, warrants and hearing packets. The time expended by the Enforcement Officer and other county staff, and third-party consultant or contractor costs, to identify, investigate, determine and calculate any Abatement and Administrative costs and including the preparation of itemized invoices, may also be recovered.

Section 16. Burden of Proof of Public Nuisance. When an owner maintains a public nuisance on his or her property in violation of this Ordinance, the burden of proof shall rest with the Enforcement Officer making the allegation or determination and shall be based on a preponderance of the evidence as follows:

Evidence supporting an allegation of the existence of a public nuisance as described in this Ordinance shall demonstrate the following:

- (1) the property has Structural Debris and/or one or more Hazard Trees on the property; and
- (2) the property owner has not entered into or complied with the requirements of the Government Program, Alternative Program and/or Private Tree Program, as applicable.

Section 17. Abatement procedure. Whenever the Enforcement Officer determines that a public nuisance pursuant to this Chapter exists then the abatement procedure and related actions shall be pursuant to Chapter 1.18 Public Nuisances.

Section 18. Judicial Enforcement Action. The County Counsel is authorized to initiate judicial enforcement as to a violation of any provision of this Ordinance without further Board approval.

Section 19. Remedies Not Exclusive. The remedies identified are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided in this Ordinance shall be cumulative and not exclusive.”

Section 20. A fair and accurate summary of this Ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in the Modoc Record, a newspaper of general circulation in Lassen County. A certified copy of the full text of this Ordinance shall be posted in the Office of the Lassen County Clerk-Recorder along with the names of those Supervisors voting for and against the Ordinance.

Introduced at a regular meeting of the Board of Supervisors on the 28<sup>th</sup> day of September 2021, and passed and adopted by the Board of Supervisors of the County of Lassen, State of California, on the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:  
JULIE BUSTAMANTE  
Clerk of the Board

I, Michele Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Deputy Clerk of the County of Lassen  
Board of Supervisors