

§ 23.0301 Duty to Abate Fire Hazards or Hazardous Trees.

Every owner or person in control of any land or interest therein in the unincorporated area of the County of San Bernardino shall abate all fire hazards and hazardous trees from such land and from all sidewalks, parkways, road easements and all other easements on such land. All such fire hazards and hazardous trees are declared to be a public nuisance for which the costs of abatement may be specially assessed pursuant to Government Code § 25845. To provide firefighters defensible space and to minimize the spread of fire within 100 feet of a building or structure and pursuant to the California Public Resources Code § 4291, every owner and person in control of any buildings or structures in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material within the unincorporated area of the County of San Bernardino shall at all times do the following:

(a) Maintain a firebreak by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned as defined in § [23.0304](#) for mountain areas in this Chapter, and create a condition that avoids spread of fire to other vegetation or to a building or structure.

(b) Provide a fuel break within 30 feet to 100 feet of a building or structure by disrupting the vertical and/or horizontal continuity of flammable and combustible vegetation with the goal of reducing fire intensity, inhibiting fire in the crowns of trees, reducing the rate of fire spread, and providing a safer environment for firefighters to suppress wildfire and provide structure protection in and around wildland urban interface communities. Additional fire protection or firebreak shall be made by the removal of brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line or at a greater distance if provided by law.

(c) Property owners who do fuel reduction activities that remove or dispose of vegetation should make every effort to properly reuse and/or recycle the resultant materials either on site or at an appropriate off site facility, without creating additional fire hazards and are required to comply with all federal, state or local environmental protection laws and obtain permits when necessary. Environmental protection laws include, but are not limited to, threatened and endangered species, water quality, air quality, and cultural/archeological resources.

(Am. Ord. 2926, passed --1985; Am. Ord. 3586, passed --1994; Am. Ord. 4058, passed - -2008; Am. Ord. 4064, passed - -2008)

§ 23.0302 Valley Area Fire Hazard Abatement.

(a) Valley Area means that portion of the unincorporated area of the County of San Bernardino south and west of the National Forest boundary.

(b) Flammable vegetation in the Valley area means:

- (1) Plants, unless pruned to remove dead material;
 - (2) Grass over four inches in height;
 - (3) Tumbleweeds (Russian thistle).
- (c) Fire Hazard in the Valley Area means:
- (1) Flammable vegetation;
 - (2) Combustible rubbish;
 - (3) Limbs and undergrowth up to six feet off the ground in Eucalyptus windrows.

(Am. Ord. 3586, passed - -1994)

§ 23.0303 Alternative Abatement of Large Parcels.

In the case of any parcel or contiguous parcels under the same ownership upon which exists over five continuous acres of vegetation which constitutes a fire hazard, the requirements of the duty to abate fire hazards may be satisfied if there is cleared, and maintained cleared, a 40-foot wide strip of land at the boundaries of such land, and through such land so that there shall not be any portion of the land larger than two and one-half acres which is not enclosed by itself within such strip, which shall be firebreak, and all of the following conditions are also met:

- (a) Firebreaks are not an approved abatement method for tumbleweeds (Russian thistle).
- (b) It shall be the landowner's responsibility to notify the enforcing agency, in writing, if the landowner wants to use the firebreak provisions of this Section.
- (c) All fire hazards must be removed within 30 feet of any structure. Landowners are responsible for removing fire hazards on their property within 30 feet of any structure, regardless of parcel or lot lines.
- (d) Where neighboring persons or properties are especially vulnerable to the effects of a fire, including, but not limited to schools, hospitals, mobile home parks, retirement residences and chaparral/development interfaces, and larger breaks or solid disking are deemed necessary for fire protection, firebreaks which exceed 40 feet or solid disking of parcels larger than five acres may be required by the enforcing agency.

(Am. Ord. 2926, passed - -1985; Am. Ord. 3586, passed - -1994)

§ 23.0304 Mountain Area Fire Hazard Abatement.

(a) Mountain Area means that portion of the unincorporated area of the County of San Bernardino located within the Fire Safety Overlay of the General Plan, whether publicly or privately owned.

(b) Flammable vegetation which constitutes a fire hazard in the Mountain Area means:

(1) All foliage and branches within six feet from the ground on trees over 12 feet in height that stand within 100 feet of structures. Limbs should be cut no less than 1/4 inch from the trunk of the tree to preserve the health of the tree.

(2) All trees that are within 30 feet of structures that are smaller than four inches in diameter that stand within ten feet from other trees, not to include low energy release deciduous ornamental trees that are pruned and free of dead or damaged foliage.

(3) All shrubs that are within 15 feet of structures that produce high-energy-release components and are considered high fire fuels, not to include low energy release deciduous ornamental plants that are well-pruned, well-spaced and free of dead or damaged foliage. High-energy-release shrubs include, but are not limited to, Manzanita, Service Berry, Mountain Whitethorn, Sage, Ironwood, Juniper Shrubs, Spanish Broom and other species as determined by the County Fire Chief/Fire Warden or their designee to constitute a fire hazard.

(4) All high-energy-release shrubs that are spaced together less than double the size of the height of the tallest shrub and stand within 30 feet of structures, (e.g. a four-foot high shrub should be spaced eight feet or more away from the next shrub, providing that the four-foot high shrub is the tallest of the two shrubs), not to include ornamental plants that are well-pruned, well-spaced and free of dead or damaged foliage. Planting of native, fire-wise, drought-resistant species is encouraged for the health of the forest.

(5) Lower foliage measured at least 18 inches up from the ground and all leaf litter and dead vegetation on and under all shrubs that stand within 100 feet of all structures.

(6) Dead branches and leaf litter in and under all plants, trees, foliage and shrubs and all flammable vegetation at all heights within 100 feet of all structures.

(7) Tree limbs (not trunks) less than ten feet away from chimneys and stovepipes.

(8) Grass over four inches in height.

(9) Pine needles, leaf litter or chipped/ground mulch on the ground over two inches in depth.

(10) Trunks or branches on the ground less than four inches in diameter, not including split and neatly stacked fire wood.

(c) Fire Hazard in the Mountain Area means:

- (1) Flammable vegetation within ten feet of a road;
- (2) Combustible rubbish, waste or discarded materials;
- (3) Leaves, needles or other dead vegetative growth on roofs or structures.

(d) When neighboring persons or properties are especially vulnerable to the effects of fire, including, but not limited to schools, hospitals, mobile home parks, residential occupancies, it is the responsibility of the property owner to adhere to the provisions of this section when flammable vegetation stands within 100 feet, measured on the ground, of all neighboring structures. Additional clearance may be required at the discretion of the County Fire Chief/Fire Warden or their designee on buildings listed above that may be used as evacuation centers, medical facilities and/or places of public gatherings and/or critical infrastructure.

(Am. Ord. 3586, passed --1994; Am. Ord. 4058, passed - -2008; Am. Ord. 4064, passed - -2008)

§ 23.0305 Desert Area Fire Hazard Abatement.

(a) Desert Area means all portions of the unincorporated area of the County of San Bernardino north and east of the National Forest boundaries.

(b) Flammable vegetation in the Desert Area means:

- (1) Tumbleweeds (Russian thistle);
- (2) Limbs and debris of salt cedar (Tamarisk) within six feet of the ground;
- (3) Plants, unless pruned to remove dead material;
- (4) Grass over four inches in height.

(c) Fire Hazard in the Desert Area means:

- (1) Flammable vegetation within ten feet of a road;
- (2) Tumbleweeds, regardless of distance from structures;
- (3) Combustible rubbish;
- (4) Flammable vegetation within 30 feet of all structures, including that portion of the property within 30 feet of structures on adjacent properties;

(5) Where neighboring persons or properties are especially vulnerable to the effects of a fire, including, but not limited to schools, hospitals, mobile home parks, residential occupancies or chaparral/development interfaces, flammable vegetation within 100 feet of all structures.

(Am. Ord. 3586, passed - -1994)

§ 23.0306 Hazardous Tree Abatement Within Mountain Area.

(a) The Board of Supervisors' finds that within the Mountain Area as defined in San Bernardino County Code § [23.0304](#)(a) a unique problem arises from several factors, including storms and various forms of precipitation, causing trees to become unstable and hazardous to lives and property.

(b) Within the boundaries of the Mountain Area, the provisions of this Section shall apply to any 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.

(c) Every owner, occupant or person in control of any land or interest in land within such areas of the County shall abate any hazardous tree therefrom and from all sidewalks, parkways and easements on such land.

(Am. Ord. 3586, passed - -1994)