

# Riviera West Fire Prevention Policy and Procedure

November 2015

*It is the intention of the Riviera West Home Owners Association to promote and enforce measures to prevent and/or reduce the danger of wildfires within the community and to increase structure survivability during wildfire conditions and the safety of residents.*

## Section 1: Definitions

- A. **Defensible Space:** The required space between a structure and wild land area that, under normal circumstances, creates a sufficient buffer to slow or halt the spread of wildfire to a structure. This space protects the home from igniting due to direct flame or radiant heat and provides protection for firefighters defending a home.
- B. **Zone One:** A defensible space that extends outward from homes, buildings, decks, etc.
- C. **Zone Two:** A defensible space that extends from 30 to 100 feet outward from homes, buildings, structures, decks, etc.
- D. **Ladder Fuels:** Low-level vegetation that allows fire to spread from the ground to tree canopies or structures.

## Section 2: Requirements for Fire Prevention

### A. Zone One

- a. Spark Arrestors are required on Chimneys and all combustion engine equipment (such as lawn mowers).
- b. Remove that portion of any tree that extends within 10 (ten) feet of the outlet of a chimney or stovepipe.
- c. Maintain any tree, shrub, or other plant adjacent to or overhanging a building or other structures, free of dead or dying wood. **It is recommended, but not required, to remove all trees, branches and vegetation that is within 10 feet of any structure.**
- d. Remove all dead or dying vegetation.
- e. Remove leaf litter (dry leaves/pine needles) and other debris from yard, roof and rain gutters.
- f. Relocate woodpiles or other combustible materials into Zone Two.
- g. Remove combustible material and vegetation from around and under decks.
- h. Remove or prune vegetation near windows.
- i. Remove “ladder fuels” (low-level vegetation that allows the fire to spread from the ground to the tree canopy). Create a separation, between low-level vegetation and non-vegetative materials such as patio furniture, wood piles, swing set, etc.,

from tree branches. This can be done by reducing the height of low-level vegetation and/or trimming low tree branches.

- B. Zone Two** (*It is recognized that not all lots in Riviera West are large enough to accommodate the 100-foot defensible space requirements*)
- a. Remove “ladder fuels.”
  - b. Cut or mow annual grass down to a maximum height of 4 inches.
  - c. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a depth of 3 inches if erosion control is an issue.
  - d. Trim trees regularly to keep their branches free of dead or dying wood.

### **Section 3: Annual Fire Prevention Procedure**

- A. On or about **April 1<sup>st</sup>** of each year the Riviera West HOA will mail an information packet to every property owner. This packet will include:
- a. A summary of Riviera West’s fire prevention programs and goals
  - b. A copy of the **Riviera West Fire Prevention Policy and Procedure**
  - c. Information on how to prepare for and evacuate from a wildfire.
  - d. Other relevant legal and local fire agency information.
- B. All property owners are expected to have their property in compliance with the Requirements for Fire Prevention outlined in **Section 2** by June 1 of each year.
- C. Beginning on or about **June 1<sup>st</sup>** of each year inspections will be conducted by the Fire Prevention Committee’s trained members. Inspections will be completed within two calendar weeks. Parcels deemed out of compliance with the **Riviera West Fire Prevention Policy and Procedure** will be photographed to document non-compliant conditions.
- D. By **June 15<sup>th</sup>** of each year property owners with non-compliant conditions on their parcels will be notified by mail. Notification will include specific conditions that must be remedied, required time line for compliance and potential fines that may be levied by Riviera West HOA, if the specified conditions are not met. Notifications shall be addressed to the last known address of the property owner on file in the HOA Office. Property owners are responsible for insuring the HOA Office has their current address on file.
- E. Property owners may appeal the findings of the Fire Prevention Committee by written letter addressed to the Riviera West HOA Governing Board within 10 days of receipt of the non-compliant notification. Within 5 days the Governing Board shall respond to the appeal by modifying or sustaining the findings of the Fire Prevention Committee and/or modifying the time line for compliance.
- F. Property owners cited for non-compliant property conditions shall remedy the cited conditions no later than **July 15<sup>th</sup>** of each year. Property owners who do not remedy the

cited conditions shall be subject to fines as set forth in **Section 4.** A certified/return receipt letter will be sent detailing the fine and the reasons for the fine.

- G. If the property is brought into compliance before August 1st, of the current year, 80% of the fine will be rescinded for that Fire Prevention season only; the other 20% will be applied toward administration costs.
- H. If fines are paid upon the sale of a property, the new owner will be responsible for cleanup for the upcoming season.
- I. If after the prescribed time the fire hazard has not been abated the Board may proceed with the following:
  - A. Begin Fire Abatement (clearing lots) Procedure: If funds are available, Riviera West's Country Club will clear the property and a Special Individual Assessment will be placed on the owner's account to recover the costs, as well as any applicable fines. This may result in a lien against the property.
  - B. Fire abatement fines may be converted to Special Individual Assessments: Special Individual Assessments are subject to a lien being recorded against the property. Lien fees and interest will also be incurred. The criteria for converting these fines will be an accrual of fire abatement fines for two (2) or more consecutive years which remain on the books unpaid.
- J. Inspections for dead and dying trees shall occur on a year-round basis in accordance with the following procedure:**
  - a. At any time during the year when a dead or dying tree is observed by a community member and verified by a member of the Fire Safety Committee, a notification will be sent to the property owner that includes:
    - i Date of the verified inspection
    - ii Owner's name and the Riviera West property address(es)
    - iii Statement of tree(s) condition and required corrective action
    - iv Riviera West contact information
    - v Property owners who receive a notification are expected to remove or have removed the dead or dying tree(s) within 60 days of the mailing of the notification.
  - b. Owners who do not comply with the notification to remove dead or dying trees shall be fined per this policy's Fine Guidelines.
  - c. Notifications shall be addressed to the last known address of the property owner on file in the HOA Office. Property owners are responsible for insuring the HOA Office has their current address on file.
  - d. Property owners may appeal the findings of the Fire Prevention Committee by written letter or the Dispute Resolution Form addressed to the Riviera West HOA Governing Board within 15 days of receipt of the non-compliant notification. Within 10 days the Governing Board shall respond to the appeal by modifying or sustaining the findings of the Fire Prevention Committee

and/or modifying the time line for compliance.

- e. If fines are paid upon the sale of a property, the new owner will be responsible for cleanup for the upcoming season.
- f. Property owners may request an in-person review of their notification at the next scheduled meeting of the Board of Directors or Executive Committee. It is the responsibility of the Owner to schedule this review and to attend the meeting on its scheduled date and time.

## **Section 4: Fine Categories**

### **A. LOW Fuel Fire Danger: FINE of \$250**

General description of this category:

1. No dead trees or branches; no dead trees or branches too close to the roof or other structures. Basically, a minimal clean-up is required.
2. Trim all shrubs, especially of dead material, and make sure they are not “Ladder Fuel” for trees or structures. Maintain any tree, shrub, or other plant adjacent to or overhanging a building or other structures, free of dead or dying wood.
3. Mow weeds and grasses to a maximum height of 4 inches.
4. Remove all dead brush and fallen branches.
5. No dead trees or branches should overhang your roof or deck area.
6. Remove that portion of any tree that extends within 10 (ten) feet of the outlet of a chimney or stovepipe.
7. In compliance with Zone One and Zone Two Guidelines.

### **B. MEDIUM Fuel Fire Danger: FINE of \$500**

General description of this category:

1. Overgrown with lots of fire fuel on the ground; some dead material and fuel too close to structures and/or the road.
2. Remove all weeds and dead brush.
3. Remove all fallen branches and brush piles.
4. Raise canopy of trees to a minimum of 6 feet above the ground (new, young saplings are the only exception-use good judgment).
5. Remove that portion of any tree that extends within 10 (ten) feet of the outlet of a chimney or stovepipe.
6. Cut dead tree limbs branches back away from your home 10 feet.
7. Maintain any tree, shrub, or other plant adjacent to or overhanging a building or other structures, free of dead or dying wood.
8. A 100-foot clearance is designated by KFPD for this area. If not possible given the size of your lot, a firebreak is to be established at the perimeters of the property.
9. In compliance with Zone One and Zone Two Guidelines.

C. HIGH Fuel Fire Danger: FINE of \$1000

General description of this category:

1. Completely overgrown with lots of fire fuel on the ground; dead trees and branches; dead trees and/or branches too close to roof and other fuel too close to structures. These are the very dangerous lots and you will know them when you see them.
2. Remove all dead trees and fallen branches.
3. Remove that portion of any tree that extends within 10 (ten) feet of the outlet of a chimney or stovepipe.
4. Remove or thin all overgrown shrubs and grasses. Maintain any tree, shrub, or other plant adjacent to or overhanging a building or other structures, free of dead or dying wood.
5. Remove all dry brush piles and lumber from the property.
6. Thin and raise canopy of trees to a minimum of 6 feet above ground (new, young saplings are the only exception-use good judgment).
7. A 100-foot clearance is designated by KFPD for this area. If not possible given the size of your lot, a firebreak is to be established at the perimeters of the property.
8. In compliance with Zone One and Zone Two Guidelines.

D. An additional \$500 will be added to the fines above for each succeeding year (after the first year) that the property is not in compliance.

**Example:** Property is non-compliant in the High Category and fined \$1000. If the property is not cleared the second year, the fine would be  $\$1000 + \$500 = \$1500$  and would be  $\$1500 + \$500 = \$2000$  the third year, etc., until the lot is cleared.