

Summary of Defensible Space Requirements

State and Local Laws and Regulations

Source	Purpose/Summary
<p>Public Resource Code (PRC) 4290</p> <p>(State Law)</p>	<p>Enacted to implement minimum fire safety standards and defensible space requirements around all residential, commercial, and industrial buildings in state responsibility areas and lands designated as very high fire hazard severity zones.</p> <p><i>Enacted 1965 and Last Updated 2018</i></p>
<p>Public Resource Code (PRC) 4291</p> <p>(State Law)</p>	<p>Enacted to protect wildland and watershed areas from the risks of fire presented by development, PRC 4291 requires any person that owns, leases, controls, operates, or maintains a building or structure in defined areas to maintain a minimum of 100 feet of defensible space at all times around the entire structure, but not beyond the property line.</p> <p><i>Enacted 1965 and Last Updated 2021</i></p>
<p>California Code of Regulations (CCR) Title 14</p> <p>(State Law)</p>	<p>Enacted to establish minimum fire safety standards of CAL FIRE in conjunction with building, construction, and development throughout the state. Amended to further define the roles and responsibilities for enforcement and implementation of defensible space under PRC 4291.</p> <p><i>Enacted 2013 and Last Updated 2023</i></p>
<p>California Civil Code (CCC) Section 1102.19 - Real Estate Disclosure</p> <p>(State Law)</p>	<p>Any seller of real property located within a high or very high fire hazard severity zone shall provide documentation to the buyer stating that the property is in compliance with PRC 4291 or local vegetation management ordinances, if adopted.</p> <p><i>Enacted January 1, 2021 and Effective July 1, 2021</i></p>
<p>Ordinance 5101 – Vegetation Management and Defensible Space</p> <p>El Dorado County Ordinance</p>	<p>Adopted Ordinance 5101 to add Chapter 8.09 - Vegetation Management and Defensible Space</p> <p>Adopted local and proactive defensible space requirements/ efforts and civil rather than criminal enforcement consistent with existing State law (PRC 4291 and 14 CCR).</p> <p>Established “Good Neighbor” and “Neighborhood Protection Policy” requiring improved or unimproved parcels to provide defensible space within 100 feet of neighboring structures.</p> <p><i>Adopted April 30, 2019 and Effective May 31, 2019</i></p>

<p>Ordinance 5101, Amendment to Vegetation Management and Defensible Space</p> <p>El Dorado County Ordinance</p>	<p>Adopted an amendment to Ordinance 5101 and Chapter 8.09 primarily to clarify definitions of County Emphasis Areas and Wildfire Risk Areas, and to clarify the roles and responsibilities for centralized enforcement.</p> <p><i>Adopted February 25, 2020 and Effective March 26, 2020</i></p>
<p>Proposed Ordinance 5186, Amendment to Ordinance 5101, Vegetation Management and Defensible Space</p> <p>El Dorado County Ordinance</p>	<p>Renames County Ordinance from “Vegetation Management and Defensible Space” to “Hazardous Vegetation Management and Defensible Space”</p> <p>Amends timelines for real estate transaction re-inspections and restructures potential enforcement proceedings to mirror Code Enforcement.</p> <p><i>Status – pending adoption</i></p>

Summary of Key Changes Under Ordinance 5186

Section: 8.09.070 (C)		Title: Duty to Remove and Abate Hazardous Vegetation and Combustible Material	
Summary: Updated requirements for defensible space inspections during Real Estate Transactions to be consistent with Stale law.			
Existing State Law	Current Ordinance 5101	Proposed Ordinance 5186	
<p>CCC 1102.19 Any seller of real property that is located within a high or very high fire hazard severity zone shall provide documentation that the property is compliant with PRC Defensible Space Laws or local vegetation management ordinances.</p> <p>The buyer has one (1) year to obtain documentation of compliance.</p>	<p>Chapter 8.09.070 (E) Prior to the close of any Real Estate Transaction, State and County requirements to maintain Defensible Space shall be disclosed to all potential property owners.</p>	<p>Prior to the close of any Real Estate Transaction subject to Civil Code section 1102.19 within the County, the seller of any real property shall obtain a defensible space inspection report documenting compliance with defensible space requirements, perform the necessary work to become compliant, or include in the transaction that the buyer shall agree to achieve compliance within 90 days of the close of escrow.</p>	

Section: 8.09.070 (D)(6)		Title: Duty to Remove and Abate Hazardous Vegetation and Combustible Material	
Summary: Updated to define clearance distances required for designated Roads and Driveways.			
Existing State Law	Current Ordinance 5101	Proposed Ordinance 5186	
N/A	<p>Section 8.09.070 (F)(12) Improved and unimproved parcels adjacent to all roadways and determined by the County to be necessary for the safe passage to and from the area must be treated or abated.</p>	<p>Improved and unimproved parcels adjacent to all roadways and driveways designated by the County to be necessary for the safe passage to and from the area must be treated or abated, and comply with the following:</p> <ul style="list-style-type: none"> • Ladder fuels cleared to 10 feet beyond the road or driveway. • All vegetation cleared to a height of 15 feet to allow for the passage of emergency vehicles. 	

Section: 8.09.070 (E)		Title: Duty to Remove and Abate Hazardous Vegetation and Combustible Material	
Summary: Updated to define and establish defensible space requirements for critical infrastructure sites and County owned properties.			
Existing State Law		Current Ordinance 5101	Proposed Ordinance 5186
N/A Note: State and Federal owned properties are exempt from the requirements under PRC 4291.		N/A	<p>The following sites are now required to comply with defensible space requirements:</p> <ul style="list-style-type: none"> • Essential Service & At-Risk Population Structures. • LPG Tanks greater than 2000 gallons. • Lumber yards, Agro-Industrial, Solid Waste, and Woodworking Facilities. • Free standing photovoltaic systems and equipment. • Telecommunication facilities. • Public and private water distribution system storage tanks and pumping facilities. • All County and Fire Agency owned structures.

Section: 8.09.086		Title: Confidentiality in Connection with Citizen Complaints	
Summary: Added to protect the identify of persons filing complaints for violations.			
Existing State Law		Current Ordinance 5101	Proposed Ordinance 5186
N/A		N/A	<p>The County shall take all reasonable steps to ensure that the identity of a person making a complaint concerning a violation of the Code or other applicable laws shall remain confidential.</p> <p>It shall be a misdemeanor to knowingly file a false complaint.</p>

Section: 8.09.100		Title: Enforcement
Summary: Updated to clarify the meet and confer process as an alternative to enforcement procedures.		
Existing State Law	Current Ordinance 5101	Proposed Ordinance 5186
N/A	<p>Section 08.09.100 The County retains the discretion to initiate a meet and confer process with property owners in violation of the Ordinance in an attempt to move towards a compliance.</p>	<p>As an alternative to enforcement procedures, the County may initiate a meet and confer process with property owners in violation to attempt to move towards compliance.</p>

Section: 8.09.110 – 8.09.180		Title: Enforcement Procedure
Summary: Updated and added enforcement sections and notice requirements to be consistent with current County Code Enforcement procedures under Chapter 9.02 – Code Enforcement.		
Existing State Law	Current Ordinance 5101	Proposed Ordinance 5186
N/A	<p>Section 08.09.100 Violations of this Ordinance may be enforced using the procedures and timelines set forth in Section 08.09.110.</p> <ul style="list-style-type: none"> • Initial Notice of Duty to Remove and Abate Waste, Hazardous Vegetation and Combustible Material (Notification only). • Hazard Abatement Notice (Sent if meet and confer process does not occur or does not result in abatement). 	<p>Sections mainly updated to mirror Code Enforcement procedures, noticing, and timelines under Chapter 9.02, which were updated in July 2023.</p> <p>Additionally, consistent with Section 8.09.100, violations of Ordinance 5186 may be enforced: however, as an alternative to such enforcement procedures, the County retains the discretion to commence a meet and confer process with property owners in violation to determine to a mutually acceptable method for abatement.</p>