§ 1299.03. Definitions.

The following definitions apply to this article:

(a) Building or Structure: Anything constructed that is designed or intended for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to, or rest on the ground.

(b) Combustible material: Dead and living vegetative, wood, or petroleum-based materials that are likely to ignite and transmit flames in a fire burning under average weather conditions.

(~~c~~c) Defensible space~~.~~: ~~The buffer that landowners are required to create on their property between a “Building or Structure” and the plants, brush and trees or other items surrounding the “Building or Structure” that could ignite in the event of a fire~~ The area adjacent to a structure or dwelling where wildfire prevention or protection practices are implemented to provide defense from an approaching wildfire burning under average weather conditions or to minimize the spread of a structure fire to wildlands or surrounding areas.

(d) Department: The California Department of Forestry and Fire Protection.

(e) Director: The Director of the Department of Forestry and Fire Protection or their designee.

~~(b) Building or Structure. Anything constructed that is designed or intended for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to, or rest on the ground.~~

(f) Fuel: Any combustible material; petroleum-based products; cultivated landscape plants; grasses; and weeds; and wildland vegetation.

(g) Herbaceous Ground Cover: A plant less than four inches tall with little to no aboveground woody material and a horizontally spreading growth pattern.

(h) Ladder fuels: Vegetative Fuels that can spread fire vertically between or within a fuel type.

(i) Maintained: Watered and/or pruned sufficiently to be kept free of dead and dying material.

(j) Occupied Dwelling or Occupied Structure: A Building or Structure used for human habitation.

(~~c~~k) Outbuilding~~.~~: A Building or ~~s~~Structure that is less than one hundred-twenty (120) square feet in size and not used for human habitation. For purposes of this Section, an ~~“~~Outbuilding~~”~~ is not a ~~“~~Building or Structure~~”~~ as defined in subsection (b) above.

(l) Person: A private individual, organization, partnership, limited liability company, or corporation.

(m) Single-Specimen Tree: Has the same meaning as within section 51177(f) of the Government Code.

(n) State Responsibility Area (SRA): Has the same meaning as within Section 4102 of the Public Resources Code.

(o) Very High Fire Hazard Severity Zone (VHFHSZ): Area or land that is within a Very High Fire Hazard Severity Zone designated by a local agency pursuant to Government Code Section 51179.

Note: Authority cited: Sections 4290 and 4291, Public Resources Code; Section 51182, Government Code. Reference: Section 4291, Public Resources Code; Sections 51182 and 51177 Government Code; Sections 18908 and 18917, Health and Safety Code.

§ 1299.04. Requirements.

Defensible space is required to be maintained at all times~~, whenever flammable vegetative conditions exist~~. One hundred feet (100 ft.) of Defensible space clearance shall be maintained in three distinct ~~“Z~~zones~~”~~ as follows: Zone 0 extends five feet (5 ft.) out from each Building or Structure, or to the property line, whichever comes first; ~~“~~Zone 1~~”~~ extends thirty feet (30 ft.) out from each ~~“~~Building or Structure,~~”~~ or to the property line, whichever comes first; ~~“~~Zone 2~~”~~ extends from thirty feet (30 ft.) to one hundred feet (100 ft.) from each ~~“~~Building or Structure,~~”~~ but not beyond the property line. ~~The vegetation treatment requirements for Zone 1 are more restrictive than for Zone 2, as provided in (a) and (b) below.~~ The Department’s “Property Inspection Guide, 2000 version, April 2000,” provides additional guidance on vegetation treatment within all zones ~~Zone 1 and Zone 2~~, but is not mandatory and is not intended as a substitute for these regulations.

(a) Fuels in Zone 0 shall be spaced and maintained so as to reduce the likelihood of structure ignition from a wildfire burning under average weather conditions by reducing the potential for

(1) direct ignition of the structure from flame contact, by embers that accumulate at the base of a wall, and/or

(2) indirect ignition when embers ignite vegetation, vegetative debris or other combustible materials near the structure that result in either radiant heat and/or direct flame exposure to the structure.

(b) Zone 0 shall be maintained free of:

1. All dead or dying: grass; plants; shrubs; trees; branches; leaves; weeds; and tree needles including on the roof or rain gutters of the Building or Structure.
2. Woodchips, bark, combustible mulch, or synthetic lawn.
3. Shrubs, bushes, or woody-stemmed plants that are not Maintained.
4. All live tree branches shall be maintained 10 feet above the roof and 10 feet away from chimneys and stovepipe outlets. No live branches or ladder fuels shall be within five feet (5 ft.) of the sides of the Building or Structure.
5. Combustible boards, timbers, planting pots or containers.
6. Any planting pots or containers, regardless of material, mounted on the Building or Structure directly beneath a window.
7. Combustible gates or fences which attach to the Building or Structure.
8. Covered storage Outbuildings whose construction or rebuilding does not require a building permit.
9. Combustible non-vegetative decorative items.
10. Firewood piles.

(c)The following are examples of materials which, if located within Zone 0, are unlikely to result in the ignition of a Building or Structure during a wildfire burning under average weather conditions.

(1) Stone and masonry hardscaping, rock mulch, and other noncombustible items.

(2) Grass lawn that is less than four inches in height.

(3) Maintained plants with non-woody stems set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the Building or Structure and each other.

(4) Maintained plants equal to or less than two feet in height in a non-combustible pot or container.

(4) Herbaceous Ground Covers that are less than four inches in height.

(5) Any live tree that stands alone in the landscape and is maintained so as to be clear of buildings, structures, combustible vegetation, lower limbs, or other trees, and that does not form a means of rapidly transmitting fire from vegetation to an Occupied Dwelling or Structure or from an Occupied Dwelling or Structure to vegetation.

(6) Noncombustible gates or fences which attach to the Building or Structure.

(7) Combustible fences or gates which run parallel to and do not attach to the Building or Structure.

(8) Covered storage Outbuildings whose construction or rebuilding requires a building permit.

(9) Household goods including but not limited to: garbage receptables; vehicles; outdoor cooking facilities; patio covers; and animal enclosures.