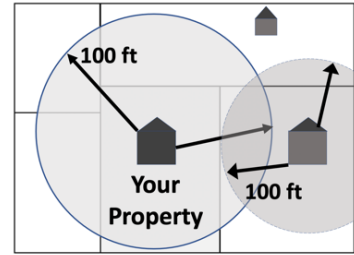


WHAT IF YOUR 100 FEET OF DEFENSIBLE SPACE GOES *BEYOND* YOUR PROPERTY LINE?



The **Nevada County Coalition of Firewise Communities** often hears from residents asking how to meet State and County requirements for 100 feet of defensible space around their house (or other structure) when it is less than 100 feet from a property line, (i.e., when **your** 100 feet of defensible space would extend onto **someone else's** property).

The answer depends on a number of variables. This document provides guidance on how to move forward in such a situation.

Please note that the Coalition is an all-volunteer organization of residents interested in wildfire preparedness – the information here does not constitute legal advice, and the codes and ordinances may change over time (though we make every attempt to stay current). If you have further questions after reading this, contact Roger Tucker, our county's Lead Defensible Space Inspector, at (530) 470-2727.

Your first step is to identify the owner of the neighboring property

If you don't know who owns the property or how to contact them, here's how to find out:

- Go to the webpage <https://gis.nevcounty.net/MyNeighborhood/>
- In the right sidebar, ensure that "Address" is selected as the Search By method, then type the parcel address into the box.
- You should get a result that includes the parcel number (usually nine digits separated with two hyphens). For privacy reasons, the owner's name is not available online. The Assessor's office in the Rood Center has a kiosk that will give you the owner's name. If for some reason you cannot visit the office, try calling them at (530) 265-1232.

Once you know who owns the adjacent property, your next steps depend on whether you live within city limits or in an unincorporated area of the county.

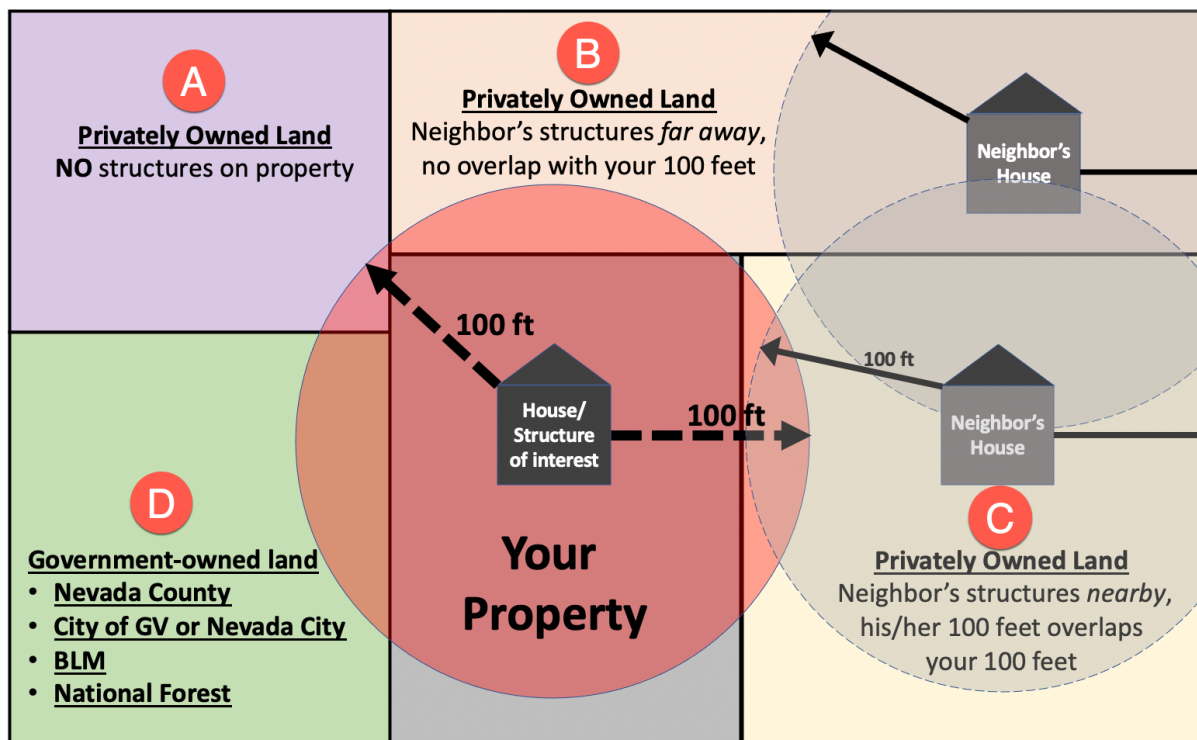
If you live in the incorporated cities of Grass Valley or Nevada City (city street addresses will have a 3-digit number), **skip to the bottom of page 4** for city requirements **on your own property**. *There are no regulations that require, or allow, city residents to compel a neighbor to create any amount of defensible space on the neighbor's property.* The information on pages 2 and 3 will not apply to you. However, if you see unsafe conditions on a neighboring property that constitute non-compliance with city codes (such as accumulated trash/debris or piles of vegetation), you can anonymously report the condition and the city will conduct an inspection. (Note: code enforcement staff are not allowed to step onto private property to observe the violation – they must be able to see it from the public sidewalk or road. *They are also not allowed to come onto your property, even with your permission, to observe violations next door to you.*) The City of Grass Valley *Code Compliance Investigation Request* online form is at <https://www.cityofgrassvalley.com/webform/code-compliance-investigation-request-form>. For Nevada City, visit <https://www.nevadacityca.gov/forms.aspx?fid=555>, click *Code Compliance Investigation Request*.

If a **city** resident's neighboring property is owned by a government entity (such as a city park, or county land), skip to the middle of page 4, "Diagram Scenario D: the neighboring land is government-owned."

If you live in unincorporated areas of Nevada County (your street address has a 5-digit number), keep reading. We describe steps you can take to communicate with the owner of the adjacent parcel with the goal of meeting your defensible space requirement.

If the neighboring land is **government-owned**, skip down to page 4, section “Diagram Scenario D, the neighboring land is government-owned.” If your neighbor is **an individual or a company**, keep reading.

Study the diagram below. It will help you determine which codes and ordinances will apply, depending on: 1) **who owns the land** onto which your 100 feet of defensible space extends; 2) **whether there’s a structure** on that neighboring land; and 3) if so, **how close** that neighboring structure is.



When your 100 feet of defensible space would extend **onto privately owned land** (scenarios A, B and C on the diagram), the question of whether your neighbor is *legally obligated* to do the work to give you 100 feet of defensible space depends on **how far his/her structures (if any) are from the property line**.

For Diagram Scenarios A and B: Privately Owned, Undeveloped Neighboring Land (no structures on their property) OR Privately Owned Neighboring Land (their structures are far away, no overlap with your 100 feet):

Per Nevada County Ordinance No. 2477 (which incorporates California state standards into its requirements), the neighbor has the responsibility to create defensible space on **only the part of his/her property that is within your 100-foot circle radius** (see diagram, A & B).

- Approach your neighbors first to ask if they will do the work so that you can get 100 cleared feet from your structure. You may get lucky and they will do that for you.

- This page at the County’s website contains a sample letter you could send to the neighbor: <https://www.mynevadacounty.com/2787/Defensible-Space-Neighbors>.
- If the neighbors decline to do anything, you have these options:
 - If you are physically able to do the work yourself and pay any related expenses (chipping, hauling, etc.), then offer to do that and get written permission. You may need to create the document yourself for the other landowner to sign and date, specifying the types of work you are permitted to do on their property.
 - If you live in a Firewise Community (FWC), ask your FWC committee members if one or two of them will approach your neighbor with the help of a trained, volunteer Defensible Space Advisor from the Fire Safe Council.
 - If your FWC representatives can’t get the neighbor to agree, ask if the needed work could be a “Neighborhood Work Day” project for your Firewise Community. The committee may feel that the benefit to the overall neighborhood would be substantial enough to motivate volunteers to come out and do it together. Get written permission from the parcel owner. Consider paying for donuts in the morning and pizza for lunch for these volunteers who will be working hard to help you. *Note that the issue of liability for volunteers working on your property or that of your neighbor is not clear.* It may be covered by your homeowners insurance – check with your agent.
- If you are unable (or can’t afford) to do all the work yourself, or you just don’t want to, the **other** property owner is legally required to pay half the cost of getting the work done, and you must pay the other half. Here’s how that works:
 - You must get bids. It’s best if both you and your neighbor obtain some bids, so you are both fully informed and know ball-park prices for the job. At this point, the 50% cost-share is a civil matter between property owners, and the county Defensible Space Inspectors do not get involved.
 - Both you and the neighbor must agree on the cost-sharing (do this in writing).
 - If you, the *requesting* neighbor, decline to pay *your* 50% share of the cost, then the issue is closed without any action (i.e., discussion ends, no work is done). You cannot be cited for non-compliance on your neighbor’s side of the property line – you are liable only for the land that you own. BUT, that may not stop your insurance company from demanding that you get 100 feet anyway in order to maintain your insurance.
- If you are willing to pay your 50% share but the neighbor is not, you may **submit a complaint to the County**, as follows:
 - Go to the website www.ReadyNevadaCounty.org
 - Click the button “Defensible Space Inspection Request” and complete the form. The website will ask you to register.
 - The County inspection program is managed by the Nevada County Consolidated Fire District, under contract from the county. An Inspector from the Office of Emergency Services will come out in two to five days depending on severity of the hazardous vegetation situation and their workload.
 - The Defensible Space Inspector will attempt to contact the reporting party (that’s you) to discuss the hazardous vegetation complaint prior to completing the inspection. This is to ensure they are looking at the area in question.
 - While the identity of the person filing the complaint is usually kept confidential, that is not possible in this case due to the 50% cost-sharing aspect of the requirement.
 - Neighbors in violation of Nevada County Hazardous Vegetation Ordinance 2477 may be cited. If/when a citation is written, then cost-sharing is moot and 100% of the cost of mitigation falls on the neighboring landowner. While you may not want to bring up the

prospect of filing a complaint against your neighbors when in discussions with them, it would be fair to tell them that the consequence of their refusing to pay 50% is to pay **100%**. (You could show them this document and let them read the rules for themselves.)

For Diagram Scenario C: Privately Owned Neighboring Land (with nearby structure[s] on the other property, and there is *overlap of your 100 feet and their 100 feet of required defensible space*)

Per Nevada County Ordinance No. 2477 (which incorporates California state standards into its requirements), *the neighbor is responsible* for the 100 ft of defensible space around their home, *up to their side of the property line*. In this case there is NO sharing of cost. Neighbors who are not in compliance with Nevada County Ordinance No. 2477 are required to come into compliance at their own effort/expense.

See directly above for how to file a complaint with the county if, after you have attempted direct, personal communication, the neighbor refuses to do their State/County-required defensible space work.

For Diagram Scenario D: the neighboring land is government-owned.

- **If the neighboring land is owned by BLM**, you will get results much faster if you are willing to do the work yourself or pay a contractors to have it done. Working on BLM land requires a variance permit (which they created just recently in response to efforts by our Nevada County Coalition of Firewise Communities). The application form for obtaining a permit is on the Coalition website: www.NCCoalitionFWC.com. Click on “Rules & Enforcement” in the left sidebar.
 - If you can’t afford (or are unable) to do the work yourself, there is unfortunately little recourse. BLM is understaffed and under-funded and cannot move quickly to do clearing work on specific parcels. If you contact BLM, you will be told they have no funds to clear their land or remove a tree that endangers your house.
 - BLM roadside clearance: If a private citizen has a legal right-of-way (an easement) on BLM land, no permit is required to create defensible space on both sides of the road up to the boundaries of the easement.
- **If the neighboring land is owned by the County of Nevada, even if you live within city limits:** file a complaint with the County as per the above instructions. The complaint will be forwarded to the appropriate county department (i.e. Roads, Facilities, Maintenance) for abatement.
- **If the neighboring land is owned by the City of Grass Valley or Nevada City, even if you live in an unincorporated County area:** file a *Code Compliance Investigation Request* with the applicable **city** agency, per the links on page 1 of this document.
- **If the neighboring land is National Forest land:** homeowner may clear 100 feet of defensible space around their structure(s), and/or 10 feet of defensible space on an access road (including when that clearing extends onto U.S. Forest Service property) without asking permission or filing for any permits. (This information was provided by the Tahoe National Forest Service District Office in Nevada City. Their phone number is (530) 265-4531.)

If you live in the incorporated cities of Grass Valley or Nevada City:

The cities have a Vegetation Management Municipal Code (VMMC) rather than “defensible space” requirements. *There is a **June 1 deadline every year** for meeting the annual VMMC requirements.* The information below is from the *Ready, Set, Go! Handbook* published by the County of Nevada in 2020.

VEGETATION MANAGEMENT MUNICIPAL CODE (see *Definitions* below for footnoted terms)

Duty to abate flammable vegetation and combustible material. It shall be the duty of every owner, occupant, or person in control of any private land, whether improved¹ or unimproved², within the City of Grass Valley and City of Nevada City, to abate therefrom on such property, at his or her own expense, all weeds, flammable vegetation³ and other combustible materials⁴ that constitute a fire hazard. The obligation to abate all weeds, flammable vegetation and other combustible materials shall comply with the following, **shall be completed by June 1 of each year**, and shall be maintained through fire season as declared by the California Department of Forestry and Fire Protection (Cal Fire):

Improved or Unimproved Properties within City Limits

- **Properties less than or equal to 1 -Acre:** The entire property shall be mowed or cleared so that weeds are no higher than 4 in above mineral soil.
- **Properties greater than 1-Acre:** As measured from the property line, a 30 ft perimeter surrounding the property shall be mowed or cleared. Weeds should be no higher than 4 in above mineral soil.

All Improved & Unimproved Properties:

- The roof of every building or structure⁵ shall be free of leaves, pine needles, flammable vegetation, and combustible materials as defined in both cities' VMMC.
- No portion of any tree shall be within 10 ft of the outlet of a chimney, stovepipe and/or electrical power service drop.
- Any plant, tree, or shrub adjacent to or overhanging a building and/or structure shall be free of dead or dying wood.
- Trees shall be free of branches 6 ft up from the ground. If height of the tree does not allow the 6 ft of clearance, the chief of the fire department or an authorized representative will determine appropriate clearance.

DEFINITIONS (for City Vegetation Management Municipal Codes)

1. **Improved property:** Any property with a building or structure.
2. **Unimproved property:** Any property without a building or structure.
3. **Flammable vegetation:** Includes, but not limited to, dead pine needles or leaves, dry grasses of over four inches in height, tree limbs, bushes, trees less than six inches diameter at breast height (DBH), manzanita, dense berry thickets or other dry invasive or noxious plants that constitute a fire hazard and endanger people or property.
4. **Combustible material:** Heavy fuels, slash, refuse piles, dead trees or tree limbs (either standing or downed) that constitute a fire hazard and endanger people and/or property.
5. **Building or structure:** Any structure used for support or shelter of any use or occupancy.

NO OPEN BURNING (BURN PILES) ALLOWED within City limits at any time

For additional information on Vegetation Management Municipal Codes including Emergency Vehicle Access, Abatement Procedures and Violations, visit the Cities' websites at NevadaCityCA.gov and CityOfGrassValley.com.