

ORDINANCE # 843

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF WILLIAMS, PROVIDING FOR FIRE PRO-
TECTION MODIFICATIONS OF FUEL TO PROVIDE A DE-
FENSIBLE SPACE AROUND STRUCTURES AND BUILDINGS
IN THE CITY LIMITS OF THE CITY OF WILLIAMS

GENERAL:

Scope: The provisions of this chapter shall establish general requirements for new buildings, structures and premises located on developed and undeveloped properties within the City of Williams.

Objective: The objective of this ordinance is to establish minimum requirements to mitigate the risk of life and property from wildland fire exposures, fire exposures from adjacent structures and to mitigate structure fires from spreading to adjacent wildlands. This objective will be accomplished through establishing a "Defensible Space" around proposed structures within the City of Williams based on a calculated Fire Hazard Rating.

Purpose and Policy: The City of Williams recognizes the importance of trees in our community and recognizes the role that trees play in advancing the public health, safety and welfare. The City has therefore determined that reasonable regulations for the removal, alteration and planting of certain trees are necessary.

The City of Williams recognizes that undeveloped properties and properties capable of further subdivision should be protected from unregulated removal of trees prior to the approval of development plans. Trees on such properties should be removed or preserved in such a manner, so that they may be considered for incorporation into the development plans.

The City of Williams recognizes that residents in single family and two-family zones should have the freedom to determine the nature of their private landscaped surroundings. In such zones, only the removal or alteration of certain "protected trees" and the planting of "undesirable trees" shall be regulated.

The City of Williams recognizes that properties located in zones other than single family and two-family residential zones often have special landscaping circumstances, including commonly-owned or shared areas and these special circumstances have the potential to affect significantly larger numbers of persons and properties if unregulated. Because of the potential for special landscaping circumstances, such properties require careful regulation. Therefore, all trees on such properties should be subject to reasonable regulation.

Definitions:

For the purpose of this Chapter, the following words and phrases shall have the meaning ascribed to them:

"Alteration" means any action which would significantly damage the health or appearance of any tree whether by:

- 1) Cutting of it's trunk or branches.
- 2) Filling or surfacing or changing the drainage of the soil within the drip-line of the tree; or
- 3) Performing other damaging acts.

This definition does not include the routine pruning and shaping, removal of dead wood or other maintenance of a tree (including a protected tree) to improve it's health, facilitate it's growth or maintain it's configuration to protect an existing view.

Definitions cont.:

“Developer” means any person who intends to develop any large tract of property inside the City of Williams.

“Development Review Team” means the City of Williams Development Review Team or it’s successor.

“Person” means any individual, corporation, partnership, firm or their legal entity, including the City of Williams.

“Planning Director” means the Planning Director of the City of Williams or his designee.

“Planting” means the intentional installation or placement of a tree.

“Property” means any land or area within the corporate limits of the City of Williams which is subject to it’s regulatory authority.

Protected Tree means any:

- 1) **Heritage Tree** – meaning any tree which has a trunk with a diameter exceeding (36) Thirty-six inches, measured (24) twenty-four inches above the ground level.
- 2) **Dedicated Tree** – meaning any tree of special significance so designated by resolution of the City Council.

“Removal” means elimination, movement or taking away of any tree from it’s present location.

“Shrub” means a woody perenial plant smaller than a tree, usually having permanent stems branching from or near the ground.

“Single Family Residential Zone” means any property located in a zone for which the principal use is detached single family residential. Typically, this means the R1-7, RR, AR, ER and RMH zones as shown on the City of Williams Zoning Map.

“City Property” means any property owned in fee by the City of Williams, or any easements, rights-of-way, or other similar interests of the City of Williams in property.

“Tree” means:

- 1) A woody perennial plant which has a trunk circumference of (20) twenty inches measured at (24) twenty-four inches above the ground; or
- 2) A woody perennial plant at least (15) fifteen feet in height which usually, but not necessarily, has a single trunk.

References to “tree” shall include the plural. The Planning Director or his designee shall have reasonable discretion to distinguish between a “tree” and a “shrub” within the confines of the definitions found in this Chapter.

“Two-Family Residential Zone” means a property located in a zone for which the principal use is two-family or duplex residential. Typically this means the R-2 zone as shown on the City of Williams Zoning Map.

“Undesirable Tree” means any tree species that is deemed to have or is proven to have a negative enviromental impact on the community.

“Undeveloped Property” means any property which:

- 1) Is not improved with a primary building (for example, a dwelling unit or place of business); or
 - 2) Is improved with a primary building, but is of sufficient land area that it could be subdivided.
- Subdivision potential shall be based upon the minimum lot area requirement for the zone in which the property is located (refer to the City of Williams Zoning Ordinance for minimum lot areas in each zone).

DEFENSIBLE SPACE:

Objective: Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space for unimproved properties. “Defensible Space” and “Fuel Modification” requirements shall be determined during the Building Permit process or during the Design Review stage in the case of a new subdivision requiring a Department Review Team approval .

Fuel Modifications: Fuel modifications shall be made in accordance with the Fire Hazard Rating form (see attached form) to provide a defensible space within property boundaries a minimum distance of 60 feet from buildings or structures and shall be measured along the grade from the perimeter or projection of the building or structure. Persons owning, leasing, controlling, operating, or maintaining buildings or structures which exhibit a Fire Hazard Rating of High or Extreme will require a defensible space around their structures and are responsible for modifying or removing non-fire-resistive vegetation and trees on the property owned, leased or controlled by said person. In new subdivision developments, the Developer or his agent(s) will remove all 3” diameter trees and slash from the property by approved means. The individual lot owners will be required to submit a plot plan showing a tree removal plan to meet the Fuel Management Standards before a permit to build will be issued. The work must be complete before a Certificate of Occupancy will be issued.

Ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, are allowed to be within the designated defensible space provided they do not form a means of readily transmitting fire from the native growth to any structure.

Trees are allowed within the defensible space provided the horizontal distance between crowns of adjacent trees (or clumps of trees) and the crowns of trees (or clumps of trees) and structures, overhead electrical facilities or unmodified fuel is not less than the required Fuel Management Standards. Trees allowed within the defensible space that have overhanging limbs and deadwood shall be trimmed and maintained to a vertical distance of 15 feet from any adjacent structures or building roofs. The roofs of structures and buildings shall be kept free of leaves, needles or other dead vegetative growth.

Corrective Action: The City Council and their agents are authorized to give notice to the owner of the property within the City of Williams, upon which conditions exist that are not in compliance with the above listed fuel modifications, to correct such conditions. Abatement and control priorities shall be based on the property’s Fire Hazard Rating and will be enforced as follows: 1) All properties bordering to Federal government lands. 2) All properties found to be over (75) seventy-five on the Fire Hazard Rating. 3) All properties found to be over (60) sixty on the Fire Hazard Rating. 4) All other properties. If the owner fails to correct such conditions, the City Council and their agents are authorized to cause the same conditions to be corrected and make the expense of such correction a lien upon the property where such condition exists.

Appeal: The decision of the the Building Official may be appealed to the Design Review Board. A written appeal must be filed with the Planning Director within (10) ten days of the decision.

No permit granted under the provisions of this Chapter shall be effective until expiration of (10) ten days following the granting of such permit. If an appeal is filed, action under any permit shall be suspended pending the outcome of the appeal.

The Department Review Team shall hear the appeal within (30) thirty days of it's filing. Notice of the time and place of the appeal hearing shall be given to the applicant, appellant and other persons as deemed appropriate by the Planning Director. The Department Review Team may affirm, reverse or modify the decision of the Building Official. The decision of the Department Review team shall be final.

Violation/Penalty:

- a) Planting or refusing to remove a tree in violation of this Chapter is hereby declared to be a public nuisance and the Code Enforcement Officer, shall initiate the necessary proceedings for abatement of the nuisance in a manner approved by civil law.
- b) Any person who alters, removes or maintains a tree in violation of this Chapter or who violates the conditions of any permit granted under this Chapter, is guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding \$1000.00 for each violation or the maximum amount allowed by Government Code Section 36-901, whichever is greater. Each tree altered, removed or maintained in violation of this Chapter shall be considered a separate violation.

Guidelines:

The basis for this code were derived from a combination of the Uniform Fire Code, The Urban Wildland Interface Code, The International Building Code, The State Insurance Underwriters Dept., the U.S. Forest Service and the Williams Fire Dept., The Village of Ruidoso New Mexico Ord. 2004-04.

FUEL MANAGEMENT STANDARDS

DEFENSIBLE SPACE

ZONE 1

STRUCTURE PROTECTION:

0-10 feet from structure or deck

Requirements:

- 1) Remove all non-decomposing pine needles & flammable ground materials and activity slash
- 2) Remove all ladder fuels
- 3) Minimum of (10) ten feet between crowns of native trees or "Clumps" (max. 4 trees / clump) **Does not apply to ornamentals**
- 4) Prune all species except ornamentals 15' above ground or 25% of tree height whichever is less.
- 5) Remove branches within 15' of chimney and roof.
- 6) **Slash Treatment:**
 - a) No wood chips allowed except in planting beds.
 - b) No firewood stacked unless under approved cover.
 - c) No standing dead trees allowed.

Recommendations:

- 1) Minimize flammable native trees in this zone.
- 2) Maintain Non-combustible ground material 2 – 3 feet around structure. (Planting beds, rock gardens, gravel or bare soil)
- 3) Prune native tree limbs overhanging roof within 10 feet of roof.
- 4) Bedding plants (< 18" high)
- 5) Consider non-flammable landscape material (Example. Do not use railroad ties, wood fencing, etc).

Note:

Five "Native Trees" considered here are Ponderosa Pine, Pinon Pine, Douglas fir, White Fir and all Junipers. Blue Spruce and fruit trees are considered ornamentals. Deciduous broadleaf trees like Gambels Oak must be pruned as per zone, but are not considered for spacing purposes.

ZONE 2

DEFENSIBLE SPACE

10 – 30 feet from the structure or deck.

Requirements:

- 1) Remove all non-decomposing pine needles and flammable ground materials and activity slash.
- 2) Remove all ladder fuels.
- 3) Minimum of (10) ten feet between crowns of native trees or "Clumps"(Maximum of 5 trees / clump) *** Does not apply to ornamentals**
- 4) Prune all species except ornamentals a minimum of 10' from the ground or 25% of the tree's height, which ever is less.
- 5) 10 – 15 feet between planting islands & groups of shrubs
- 6) **Slash Treatment:**
 - a) No wood chips allowed except in planting beds.
 - b) No firewood stacked within (20) twenty feet of structures unless under an approved cover. Firewood stacked outside (20) twenty feet shall not constitute a nuisance.
 - c) No standing dead trees allowed and beetle habitat reduction per Forest Service standards.

Recommendations:

- 1) Maintain low combustible ground covers.
- 2) Keep lawns watered (as conditions allow per code).
- 3) Consider planting beds, rock gardens, xeriscaping and fire-resistant plants.
- 4) Bedding plants (<18" high).
- 5) Consider non-flammable landscape materials.

NOTE:

In both Zone 1 and Zone 2 attention will be paid to the potential threat posed by creeping and spot fire behavior. Lots < ¼ acre are dealing with Zone 1 and Zone 2 for the most part and will most likely be dealt with as a "neighborhood" rather than an individual property because of probable higher densities.

ZONE 3

FOREST WOODLAND:

30 – 60 feet from the structure or deck

Requirements:

- 1) Maximum densities for target vegetation = 45 trees per acre in aggregate or fraction of:
 - a) Ponderosa Pine
 - b) Mixed Conifer
 - c) Pinon / Juniper
- 2) Remove all ladder fuels.
- 3) 10 – 15 feet between crowns of native trees or "Clumps" (maximum of 6 trees / clump)
- 4) 10 – 15 feet between planting islands.
- 5) Prune all species except ornamentals a minimum of (6) feet from the ground or 25% of the trees height, which ever is less.
- 6) **Slash Treatment:**
 - a) If used, maximum depth of wood chips is (2) inches.
 - b) Firewood stacks shall not constitute a nuisance.
 - c) Beetle habitat reduction per Forest Service recommendations.
 - d) No standing dead trees allowed (Unless designated as a wildlife habitat tree >12" DBH and it does not endanger any structures; no more than (3) three per acre)
 - e) All non-decomposing ground debris > 5" diameter must be removed
 - f) Remove all activity slash.

Recommendations:

- 1) Remove all non-decomposing pine needles and flammable ground materials.
- 2) Prune all species a minimum of 8 – 15 feet above the ground or 25% of the tree's height, which ever is less.
- 3) Where slopes exceed 25% approved contour felling is acceptable.
- 4) Additional fuels reduction:
 - a) Reduce the Ponderosa Pine and Mixed Conifers to 40 trees per acre.
 - b) Increase the distance between native trees and "Clumps" to 15 – 20 feet.

NOTE:

Zones 1, 2 and 3 constitute the minimum requirements around structures regardless of lot size. These zones have a lot to do with ignitability of a structure and individual protection.

ZONE 4

PROPERTY PERIMETER BUFFER

60 feet - property line for lots less than 2.5 acres.

120 feet wide buffer around perimeter for lots greater than 2.5 acres.

Requirements:

- 1) Maximum densities for target vegetation = 60 trees per acre in aggregate or fraction of:
 - a) Ponderosa Pine
 - b) Mixed Conifers
 - c) Pinon / Juniper
- 2) Remove all ladder fuels.
- 3) 10 – 15 feet between crowns of native trees or “Clumps”(maximum of 7 trees / clump)
- 4) 10 – 15 feet between planting islands.
- 5) Prune all species except ornamentals a minimum of (6) six feet above the ground or 25% of the tree’s height, which ever is less.
- 6) **Slash Treatment:**
 - a) If used, maximum depth of wood chips is 2 inches.
 - b) Firewood stacks shall not constitute a nuisance
 - c) Beetle habitat reduction per Forest Service standards.
 - d) No dead standing trees allowed (Unless designated as a wildlife habitat tree >12” DBH and it does not endanger any structures; no more than (3) three per acre).
 - e) All non-decomposing ground debris >5” diameter must be removed. A maximum of (3) three downed logs greater than 12” in diameter per acre allowed for wildlife habitat.
 - f) All activity slash within 120 feet of all structures, property lines & roads must be removed.

Recommendations:

- 1) Additional fuels reduction:
 - a) Reduce Ponderosa Pine and Mixed Conifers to 50 trees per acre
 - b) Reduce Pinon / Juniper to 40 trees per acre.
 - c) Prune all species a minimum of 8 – 15 feet above ground level or 25% of tree’s height, which ever is less.
 - d) Consider coordinating your efforts with neighboring properties.
 - e) Recommend treatment of the entire property.
 - f) Where slopes exceed 25% approved contour felling is acceptable.

NOTE:

Treatment in this zone addresses wildfire rate of spread and intensity. Consistent application of these treatments will create conditions where a crown fire could be transformed into a ground fire, thus slowing its rate of spread and creating an opportunity for fire resources to safely respond. A property owner with <2.5 acres is required to treat the entire property. A property owner with > 2.5 acres is required to implement Zones 1,2 and 3 around any structures > 50 sq. ft out to 60 feet. In addition, the property owner shall create a buffer zone as described in Zone 4. This zone starts at the property line and comes in a minimum of 120 feet.

CITY OF WILLIAMS FIRE HAZARD RATINGS FORM

Name: _____

Permit # _____

Address: _____

Place an "X" next to the most appropriate answer in each category, then total the numbers at the bottom.

<u>Subdivision Design</u>	Points	<u>Fire Protection</u>	Points
<u>Ingress/Egress</u>			
Two ways to evacuate neighborhood within 1000'	1 _____	<u>Fire Response</u>	
One way to evacuate neighborhood within 1000'	3 _____	Property located in the City of Williams	1 _____
One way to evacuate neighborhood > 1000' away	5 _____	Property located in the county	5 _____
<u>Width of Primary Road @ driveway</u>			
20' feet or more	1 _____	<u>Water Supply</u>	
Less than 20' feet	3 _____	Hydrant within 1000' feet of structure	1 _____
<u>Accessibility</u>			
Road grade 5% or less (ave. within 1000')	1 _____	Hydrant farther than 1000' feet or draft site	3 _____
Road grade more than 5% (ave. within 1000')	3 _____	Water source 20 min. or less round trip	5 _____
<u>Secondary Road Terminus</u>			
Not a dead-end	0 _____	Water source farther than 20 min. round trip	10 _____
Loop roads, cul-de-sacs with an outside radius of 45' feet or greater	1 _____	<u>Utilities (electric service)</u>	
Cul-de-sac turnaround	3 _____	Underground mains and service lines	1 _____
Dead-end roads 200' feet or less in length	3 _____	Underground service lines only	3 _____
Dead-end roads greater than 200' feet in length	5 _____	Above ground service lines	5 _____
<u>Average Lot Size</u>			
10 acres or larger	1 _____	<u>Construction Materials</u>	
Larger than 2.5 acres, but less than 10 acres	3 _____	<u>Siding</u>	
2.5 acres or less	5 _____	Noncombustible	1 _____
<u>Street Signs</u>			
Present	1 _____	Combustible	5 _____
Not present	5 _____	<u>Deck</u>	
<u>Fuels Management</u>			
<u>Fuel Types</u>			
Light (grass, forbs, bare ground etc.)	1 _____	Noncombustible	1 _____
Medium (scrub oaks, shrubs, etc.)	5 _____	Combustible	5 _____
Heavy (pine, fir, juniper)	10 _____	<u>Deck</u>	
<u>Defensible Space (What is possible)</u>			
More than 100' feet of treatment from buildings	1 _____	Noncombustible	1 _____
Less than 100' feet of treatment from buildings	5 _____	Decks over 6' w/ noncombustible uprights	1 _____
<u>Installed Landscape (within 10' feet)</u>			
Xeriscape or dirt	0 _____	Combustible w/ firesafe crawl space	3 _____
Flame Resistant Plants	1 _____	Combustible	5 _____
Flamable Plants	3 _____	<u>Sofits</u>	
Flamable Ties and Timbers	5 _____	Parapet / Santa Fe style / 1 hr. rated enclosed	0 _____
<u>Topography</u>			
Slope 10% or less	1 _____	Enclosed	1 _____
Slope more than 10%, but less than 20%	4 _____	Open	5 _____
Slope more than 20%, but less than 30%	7 _____	<u>Windows</u>	
Slope 30% or more	10 _____	Low E	1 _____
		Double Pane	3 _____
		Single Pane	5 _____
		<u>Roof</u>	
		Class A Fire Rated	1 _____
		Class B Fire Rated	3 _____
		Class C Fire Rated	5 _____
		Non-rated	10 _____
		<u>Stem walls / Structural Support</u>	
		Non-combustible Enclosed	1 _____
		Combustible Enclosed	3 _____
		Non-combustible Post & Beam	5 _____
		Combustible Post & Beam	10 _____

Total the points here _____

YOUR RATING: Med = <59; High = 60-74; Extreme = > 75