

PUBLIC INTEREST LAW FOUNDATION
A Professional Corporation
121 East Main Street, Suite 202
Visalia, California 93291
Tel 559-900-3500 • Fax 559-900-3555
www.PILF.us

Mr. Dustin Hall, Fire Chief
FRESNO COUNTY FIRE PROTECTION DISTRICT
210 South Academy Avenue
Sanger, California 93657

May 3, 2021
Via U.S. mail and fax:
559-875-7451

RE: *NOTICE OF APPEAL;*
5526 East Madison Avenue, Fresno, CA 93727 (APN: 462-113-03)

Dear Chief Hall:

This office represents and writes on behalf of the owner of the real property specified above (“subject property”). We write in regard to a Notice of Fire Hazard (the “Notice”) dated April 27, 2021. Please be advised that the owner of the subject property hereby appeals the alleged finding(s) in the Notice, which are vague, ambiguous and unknown. The alleged findings do not provide any notice whatsoever of which portions of the ordinance are alleged to be violated as well as no information whatsoever about which conditions about the improvements at the subject property allegedly give rise to violations of such portions of the ordinance. Does your Notice allege that a violation exists due to tumble weeds under Section 410.3(b) of the Weed Abatement Standard? Does your Notice alleged that the subject property is vacant and comes within the scope of Section 410.3(c)? Your Notice does not provide reasonable notice of any particular violation and leaves one to wonder what the alleged violation is. How is one to make the appropriate corrections, if any are warranted, without specific and particular notice of the alleged violation? Without proper notice, the owner has also been denied a reasonable opportunity to cure, as required by law.

Constitutional due process requires that reasonable notice of violations be afforded and that a reasonable opportunity to respond be provided as well. Your practice (and possibly any ordinance which you are relying upon) also deny due process by only providing a mere five (5) calendar days to request an appeal. People work, care for children and/or elderly relatives, travel and/or live out-of-town and otherwise have busy lives in this millennium. They do not sit around all day or wait by their mailbox for notices which require a nearly immediate response on complex legal issue.

As an attorney who serves as general legal counsel for various local government agencies, and who formerly served as general legal counsel for a fire protection district, it is very apparent that your antiquated practice of only allowing persons to appeal within the very tight window of only five days is totally unreasonable in this day and age, and under the particular circumstances here where there was no apparent emergency disclosed within the

Mr. Dustin Hall, Fire Chief

RE: *NOTICE OF APPEAL;*

5526 East Madison Avenue, Fresno, CA 93727 (APN: 462-113-03).

May 3, 2021

Page 2 of 2

Notice, and it WILL BE legally challenged if it is not updated soon by your district's governing body.

The owner of the subject property hereby requests a public hearing on Notice, if it is not immediately withdrawn. Please direct all future communications as to this matter to the undersigned attorney at the address specified above. If you have any questions or concerns, please feel free to reach out to me at your convenience. Thank you for your prompt attention to this very important matter.

Sincerely,

PUBLIC INTEREST LAW FOUNDATION APC

By: _____



Moses Diaz, Esq.

Enclosure(s): none.

CC: Mr. Rickey Diaz
P.O. Box 544
Visalia, California 93277



FRESNO COUNTY FIRE

PROTECTION DISTRICT

210 South Academy Avenue
Sanger, California 93657
Telephone: (559)493-4300
Fax: (559) 875-7451
www.FresnoCountyFire.org

April 28, 2021

NOTICE OF FIRE HAZARD

Moses Diaz
5526 E Madison Ave
Fresno CA 93727

RE: APN 462 113 03

Your property located at 5526 E Madison Ave Fresno CA 93727 has been inspected by the personnel of Fresno County Fire Protection District and has been found to be in violation of the Fire District's weed abatement and fire hazard ordinance.

RE: Weeds

You are hereby required, within ten (10) days after the receipt of this notice, to abate the material which endangers, or may, in the near future, endanger public safety by creating a fire hazard, from the above described premises in compliance with the terms and conditions set forth below.

Failure to comply herewith constitutes a misdemeanor.

The Fresno County Fire Protection District will have the option of abating the fire hazard and placing a lien on the property or issuing a citation.

If, for any reason, this requirement appears to you to be unjust you may, within five (5) days after receipt of this notice, file a written appeal for hearing with the Board of Directors stating your reasons. In such event, you are not required to remove such fire hazard until five (5) days after notice of the final determination of the Board of Directors upon your request.

Conditions of removal: The manner of abatement shall be by discing, mowing, or removal from the premises. **BURNING IS PROHIBITED.** Any wild fire which burns on a parcel that has received a notice of fire hazard and results in fire suppression by the Fire District will be billed for that suppression pursuant to Health and Safety Code section 13009. Such costs could constitute a lien upon such lots or lands until paid. The Fresno County Fire Protection Fire District will have the option of either abating the fire hazard and placing a lien on the property or issuing a citation.

Further, if this property is sold, seller is to advise buyer of a possible lien, which may be verified by calling the County-Auditor or Fresno County Fire Protection District

If you have any questions, please call Larry Brown at (559)493-4323.

Sincerely

DUSTIN HAIL
Fire Chief

By

Larry E. Brown
Fire Inspector
Weed Abatement Coordinator
Larry.brown@fire.ca.gov

*-----: MetroScan / Fresno (CA)

-----*

Owner :Diaz Moses Trustee
Site :5526 E Madison Ave Fresno 93727
Mail :5526 E Madison Ave Fresno Ca 93727
Use :Ss01r1b Res,Single Family Residence
Bedrm:3 Bath:1.00 TotRm: YB:1947 Pool:

Parcel :462 113 03
Xfered :10/08/2014
Price :
Phone :
BldgSF:1,074 Ac:.37

-NOTE-
 This map is for Assessment purposes only.
 It is not to be construed as portraying legal
 ownership or divisions of land for purposes
 of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 5, T.14S., R.21E., M.D.B.&M.

Tax Rate Area
 5-613
 98-029

462-11

(Bk.
 456)

1"=100'

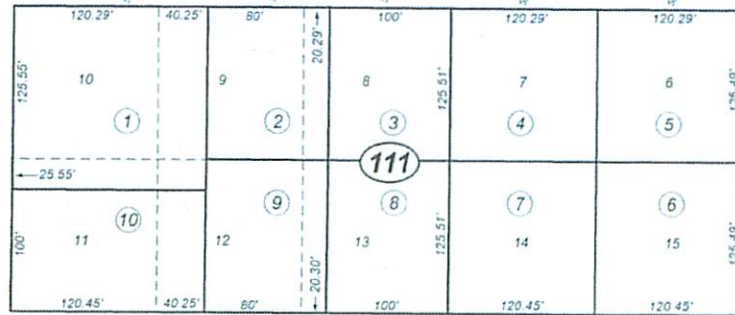


100' E. BELMONT

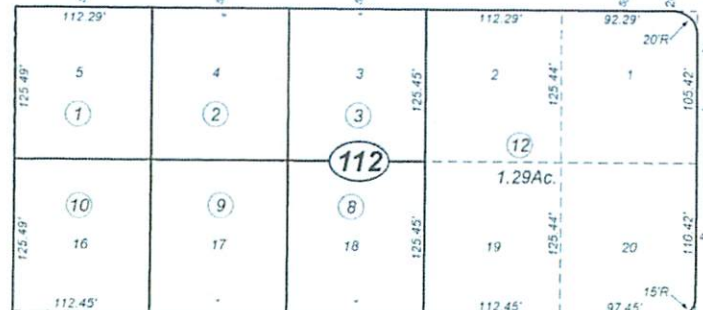
AVE.

T. 13S
 T. 14S. 32 33
 5 4

EG
 60'
 AVE.



60'
 AVE.



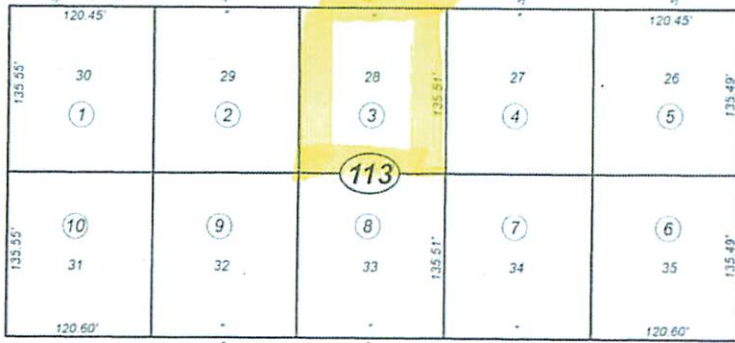
AVE.

(10)

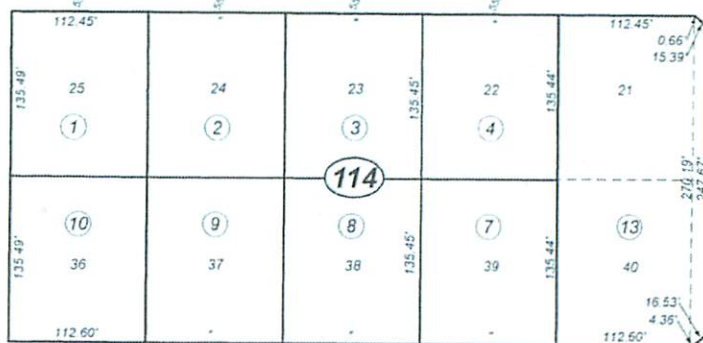
60' E. MADISON

AVE. 60'

N. DE WITT
 60'



N. WALLING
 60'



N. CLOVIS
 AVE. 60' EG

(Bk.
 313)

Easterby Gardens - Plat Bk. 13, Pg. 17

Assessor's Map Bk. 462-Pg. 11
 County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

7/6/2020



05/06/21. 5526 E. MADISON, FRESNO, CA. 93727





STATION 88

FILED 09/28/21

762

10

*-----: MetroScan / Fresno (CA)

Owner :Montelongo Lupe & Margie
Site :5147 E Grant Ave Fresno 93727
Mail :5147 E Grant Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:4 Bath:1.75 TotRm: YB:1973 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Yang Txheng
Site :451 N Evelyn Ave Fresno 93727
Mail :8342 Lowell Ave Skokie Il 60076
Use :Ss01rlb Res,Single Family Residence
Bedrm:4 Bath:1.50 TotRm: YB:1910 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Pettebone Herbert A & Sandra Solidad
Site :5556 E Belmont Ave Fresno 93727
Mail :5556 E Belmont Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:3 Bath:1.00 TotRm: YB:1950 Pool:Yes

*-----: MetroScan / Fresno (CA)

Owner :Diaz Moses Trustee
Site :5526 E Madison Ave Fresno 93727
Mail :5526 E Madison Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:3 Bath:1.00 TotRm: YB:1947 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Wenzel Andreas Christopher
Site :4916 E Grant Ave Fresno 93727
Mail :4916 E Grant Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:1 Bath:1.00 TotRm: YB:1947 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Holloway Lisa/Krystal C
Site :4923 E Washington Ave Fresno 93727
Mail :4923 E Washington Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:3 Bath:1.00 TotRm: YB:1951 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Torres Melanie E
Site :5076 E Grant Ave Fresno 93727
Mail :5076 E Grant Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:2 Bath:1.00 TotRm: YB:1949 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Antonelli Mary M Life Estate
Site :5214 E Grant Ave Fresno 93727
Mail :5214 E Grant Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:2 Bath:1.00 TotRm: YB:1939 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Young Patrick K
Site :5205 E Washington Ave Fresno 93727
Mail :5205 E Washington Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:3 Bath:1.00 TotRm: YB:1940 Pool:No

*-----: MetroScan / Fresno (CA)

Owner :Rebaudo Melvin
Site :5206 E Washington Ave Fresno 93727
Mail :5206 E Washington Ave Fresno Ca 93727
Use :Ss01rlb Res,Single Family Residence
Bedrm:3 Bath:1.75 TotRm: YB:1941 Pool:

*-----: MetroScan / Fresno (CA)

Owner :Stubbs Larry Edgar & Carol Lea
Site :5526 E Washington Ave Fresno 93727
Mail :5526 E Washington Ave Fresno Ca 93727
Use :Ss01rla Res,Single Family Residence
Bedrm:3 Bath:1.75 TotRm: YB:1947 Pool:

Parcel :462 083 07
Xfered :07/25/1975
Price :
Phone :
BldgSF:1,957 Ac:.30

Parcel :462 101 16
Xfered :11/27/2013
Price :\$195,000 Full
Phone :
BldgSF:2,755 Ac:.67

Parcel :462 112 01
Xfered :09/14/1987
Price :
Phone :
BldgSF:2,645 Ac:.32

Parcel :462 113 03
Xfered :10/08/2014
Price :
Phone :
BldgSF:1,074 Ac:.37

Parcel :462 131 02
Xfered :11/16/2012
Price :\$65,000 Full
Phone :
BldgSF:1,190 Ac:.35

Parcel :462 131 08
Xfered :11/02/2020
Price :
Phone :
BldgSF:1,270 Ac:.34

Parcel :462 142 03
Xfered :05/03/2005
Price :
Phone :
BldgSF:896 Ac:.35

Parcel :462 161 02
Xfered :05/01/1992
Price :
Phone :
BldgSF:1,112 Ac:.37

Parcel :462 161 11
Xfered :03/10/1994
Price :\$75,000 Full
Phone :
BldgSF:1,487 Ac:.37

Parcel :462 162 07
Xfered :10/31/2003
Price :
Phone :
BldgSF:1,594 Ac:.72

Parcel :462 183 03
Xfered :01/24/1977
Price :
Phone :
BldgSF:1,924 Ac:.72

5/13
Done

5/13
Done

5/13
MKT
5/21
MKT
NO ANSWER

05/05/21
RECEIVED APPRAISE
05/21/21
OK

5/13
MKT
5/21
Done

5/13
OK

5/13
OK

5/13
Done

5/13
Done

5/13
WILLIAMS
05/17
5/21
WILLIAMS
ET.

5/11

EXT 5/25

-----: MetroScan / Fresno (CA)		:-----	
Owner :Gonzalez Ruben S & Josefina		Parcel :462 220 01	
Site :274 N Villa Ave Fresno 93727		Xfered :12/13/2004	
Mail :27474 Capri Ave Hayward Ca 94545		Price :	
Use :Ss0lra Res,Single Family Residence		Phone :	
Bedrm:4 Bath:1.75 TotRm: YB:1952 Pool:No		BldgSF:1,543	Ac:1.84
-----: MetroScan / Fresno (CA)		:-----	
Owner :Wegener H E & Joyce M C		Parcel :462 220 06	
Site :5365 Easterby Dr N Fresno 93727		Xfered :03/07/1960	
Mail :5365 Easterby Dr N Fresno Ca 93727		Price :	
Use :Ss0lrlb Res,Single Family Residence		Phone :	
Bedrm:2 Bath:1.00 TotRm: YB:1953 Pool:		BldgSF:1,054	Ac:.36
-----: MetroScan / Fresno (CA)		:-----	
Owner :Jeffries Patrick W & Allena G		Parcel :462 220 11	
Site :5376 Easterby Dr N Fresno 93727		Xfered :06/03/2014	
Mail :5376 Easterby Dr N Fresno Ca 93727		Price :\$55,000	
Use :Ss0lrlb Res,Single Family Residence		Phone : 289.0960	
Bedrm:2 Bath:1.25 TotRm: YB:1950 Pool:		BldgSF:1,367	Ac:.34
-----: MetroScan / Fresno (CA)		:-----	
Owner :Yang Xeng Xue & Pang Xiong		Parcel :462 260 33	
Site :125 N Caesar Ave Fresno 93727		Xfered :10/02/2018	
Mail :125 N Caesar Ave Fresno Ca 93727		Price :	
Use :Ss0lrlb Res,Single Family Residence		Phone :	
Bedrm:4 Bath:1.75 TotRm: YB:1967 Pool:Yes		BldgSF:1,827	Ac:.39
-----: MetroScan / Fresno (CA)		:-----	
Owner :International Church of The <i>(KAPU)</i>		Parcel :462 270 23	
Site :5391 E Tulare Ave Fresno 93727		Xfered :02/18/2004	
Mail :5391 E Tulare Ave Fresno Ca 93727		Price : 575-6288	
Use :Schual2 Soc,Churches		Phone :	
Bedrm:4 Bath: TotRm: YB:1958 Pool:Yes		BldgSF:11,200	Ac:3.53

5/13
OK

5/6
COADPACT
DORIS 255-4009
5/13
Dor

05/04
LAWB ADD

MAIL
APU

ESTD
LAWB ADD

04/22/21

462-260-33

462-220-01

462-220-11

462-220-23

462-220-06

462-183-03

462-101-16

462-113-03

462-112-01

456-163-02

456-153-15

456-153-16

456-151-12

456-151-01

456-131-20/21/22

456-131-14

456-133-12

456-133-16

456-184-14

456-182-24

456-184-13

462-131-02

462-142-03

462-083-07

462-131-08

462-161-02

462-161-11

462-162-07

472-110-24

463-200-09

463-200-10

463-200-19

463-160-20

463-100-68

463-150-07

463-150-23

463-140-03

463-090-29

463-090-59

463-140-30

463-140-65 355 S. Bailey

463-140-32

463-131-13

463-082-29

File Done

Completed

File Done

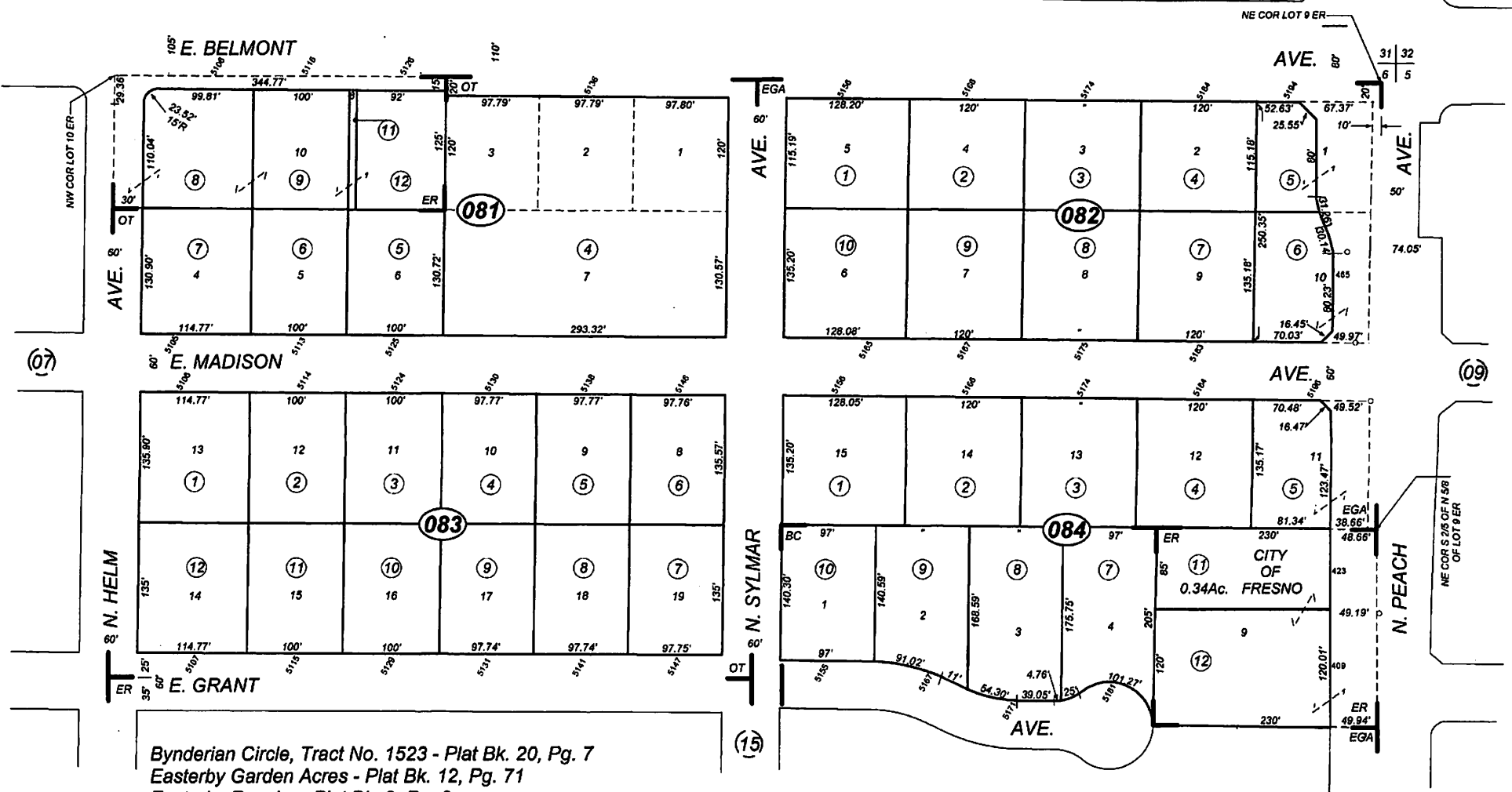
-NOTE-
 This map is for Assessment purposes only.
 It is not to be construed as portraying legal
 ownership or divisions of land for purposes
 of zoning or subdivision law.

SUBDIVIDED LAND IN POR. SEC. 6, T.14S., R.21E. M.D.B.&M.

Tax Rate Area
 98-029

462-08

(Bk.)
 456



Bynderian Circle, Tract No. 1523 - Plat Bk. 20, Pg. 7
 Easterby Garden Acres - Plat Bk. 12, Pg. 71
 Easterby Rancho - Plat Bk. 2, Pg. 6
 Orman Tract, Tract No. 1236 - Plat Bk. 15, Pg. 97

Assessor's Map Bk. 462-Pg. 08
 County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

SUBDIVIDED LAND IN POR. SEC. 5, T.14S., R.21E., M.D.B.&M.

Tax Rate Area
5-001
88-029

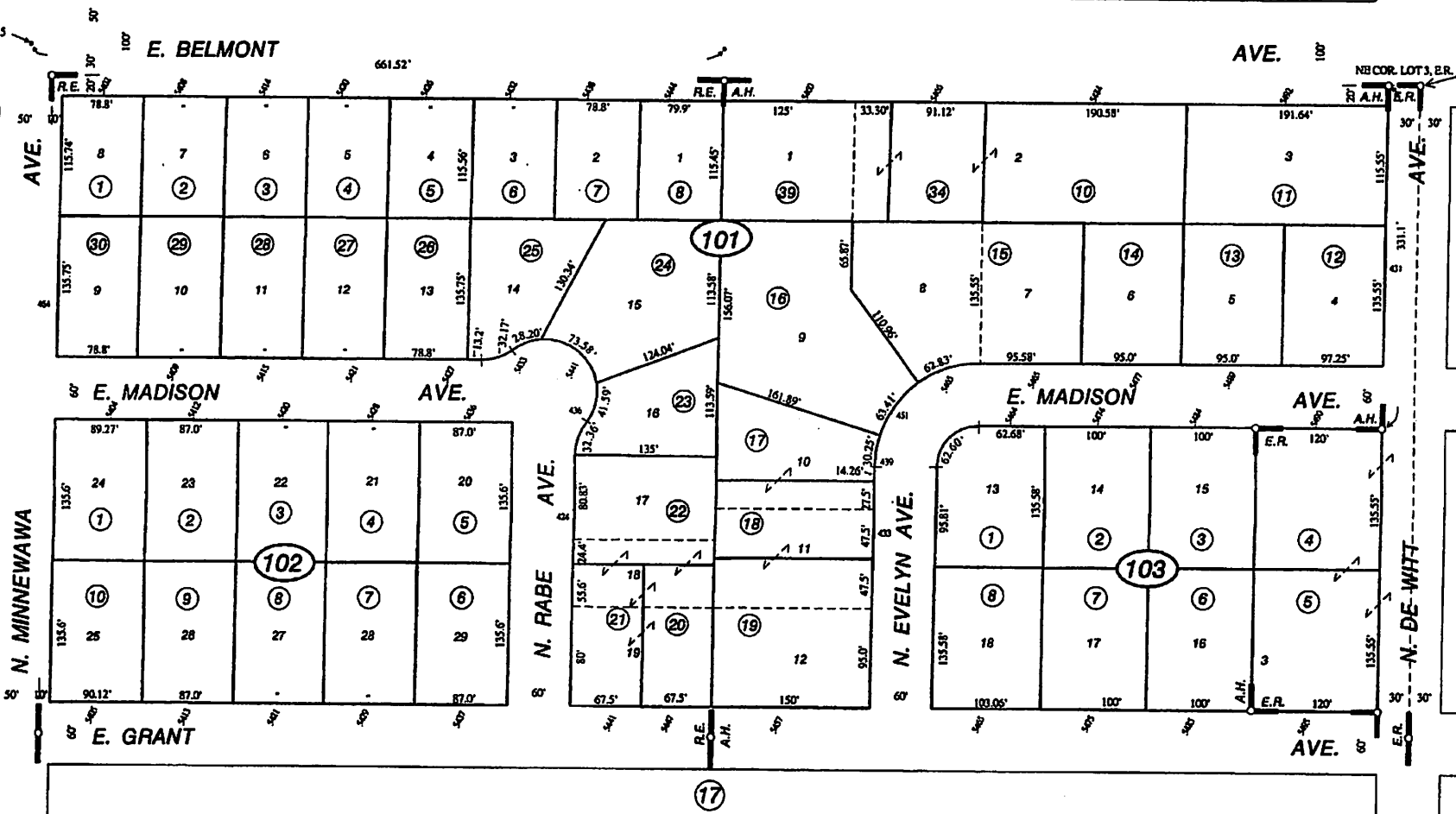
462-10



--- NOTE ---
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purposes of zoning or subdivision law.

Bk.
456

N1/4 COR. SEC. 5



Atherton Heights, Tract No. 1232 - Plat Bk.15, Pg.79
Easterby Rancho - Plat Bk.2, Pg.6
Rancho Easterby, Tract No. 1237 - Plat Bk.18, Pg.7

Assessor's Map Bk. 462 - Pg. 10
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.



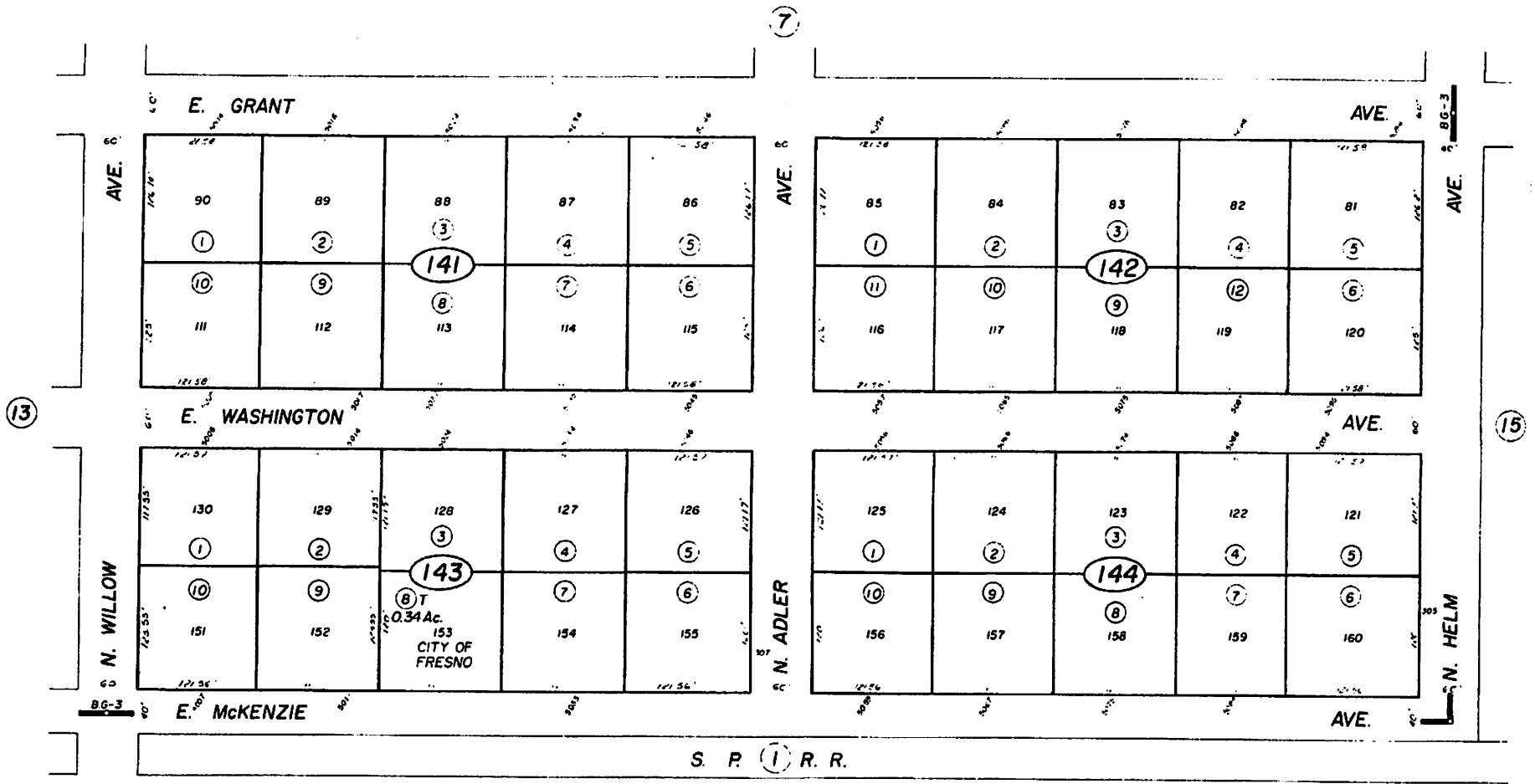
NOV 09 2011

- NOTE -
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SUBDIVIDED LAND IN POR. SEC. 6, T.14S., R.21E. M.D.B.&M.

Tax Area
 98-019
 98-196

462-14



Belmont Gardens No. 3 - Plat Bk. 12, Pg. 36

Assessor's Map Bk. 462 - Pg. 14
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.

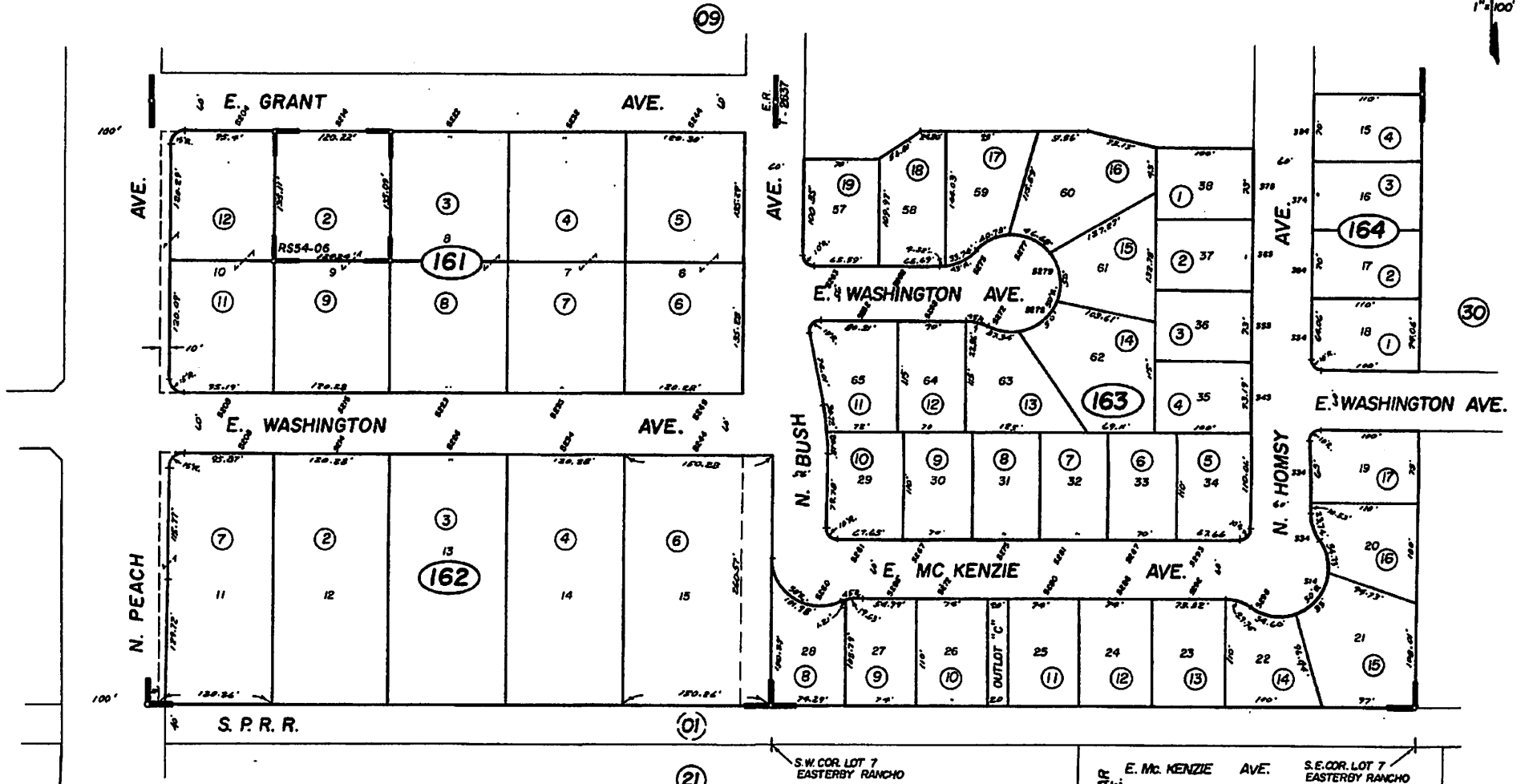
SUBDIVIDED LAND IN POR. SEC. 5, T.14 S., R.21 E., M. D. B. & M.

Tax Rate Area
5 - 280
98 - 029

462 - 16

— NOTE —

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of zoning or subdivision law.

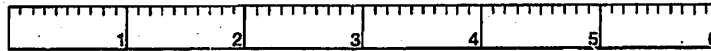


Easterby Retreats - Plat Bk. II, Pg. 68
Tract No. 2637 - Plat Bk. 30, Pg. 21
Record of Survey - Bk. 54, Pg. 06

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 462 - Pg. 16
County of Fresno, Calif.

AUG 15 2011



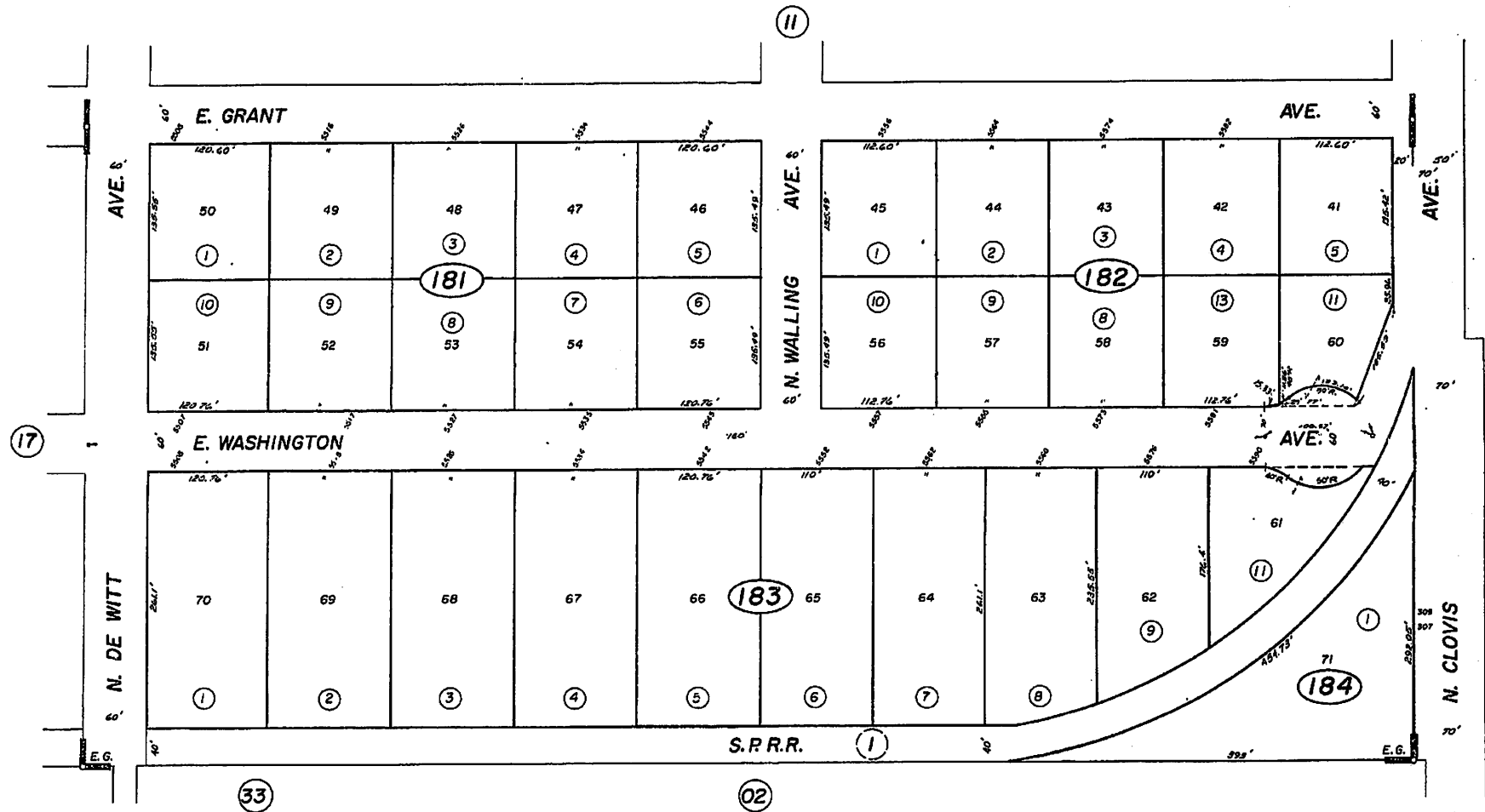
SCALE IS 1/10 OF AN INCH

SUBDIVIDED LAND IN POR. SEC. 5, T.14S., R.21E. M.D.B. & M.

462-18

Tax Area
5-613
5-682
98-029

-NOTE-
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It is not to be construed as partitioning
legal ownership or divisions of land for
purposes of zoning or subdivision law.



Bk. 313

Easterby Gardens - Plat. Bk. 13, Pg. 17

Assessor's Map Bk. 462-Pg. 18

County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

JUL 23 1996

— NOTE —
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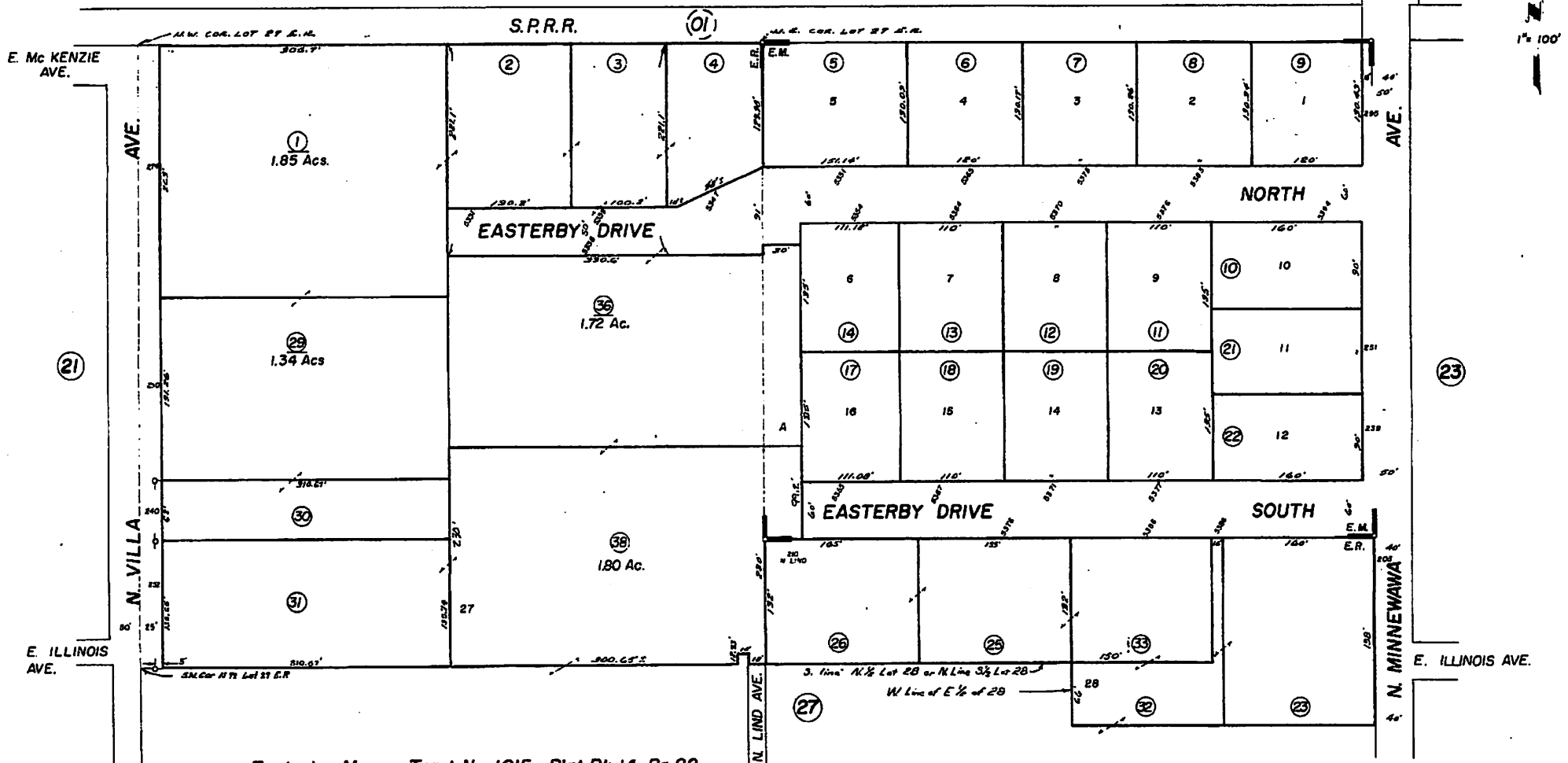
SUBDIVIDED LAND IN POR. SEC. 5, T.14 S., R.21E. M.D.B. & M.

Tax Area

462-22

98-029

(30)



Easterby Manor, Tract No. 1015 - Plat Bk. 14, Pg. 22
 Easterby Rancho - Plat Bk. 2, Pg. 6

Assessor's Map Bk. 462-Pg. 22

County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses

JUN 25 2003

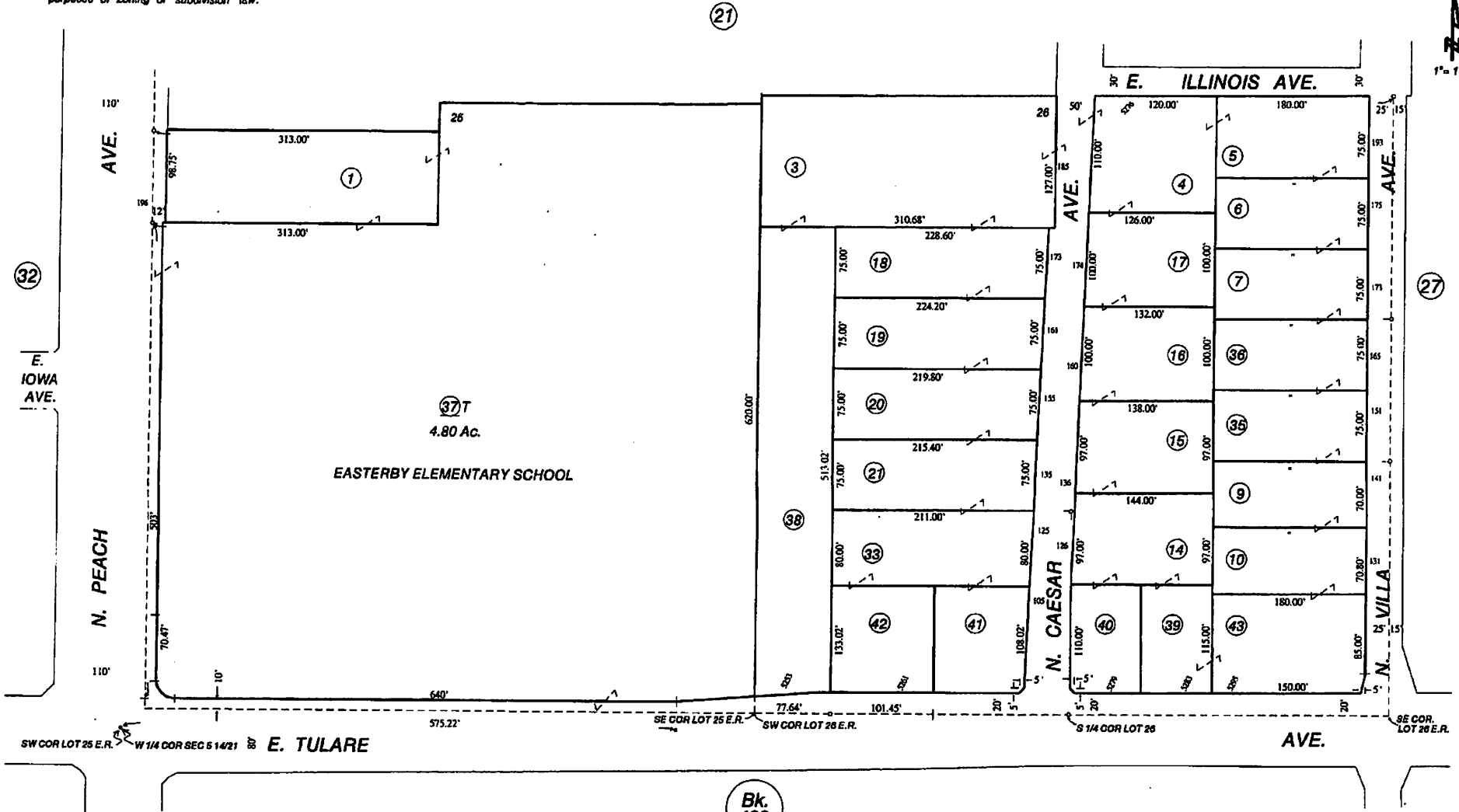
SUBDIVIDED LAND IN POR. SEC. 5, T. 14 S., R. 21 E. M. D. B. & M.

Tax Rate Area

462-26

5-071
98-029

--- NOTE ---
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Easterby Rancho - Plat Bk. 2, Pg. 6

Assessor's Map Bk. 462 - Pg. 26
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

NOV 30 2010

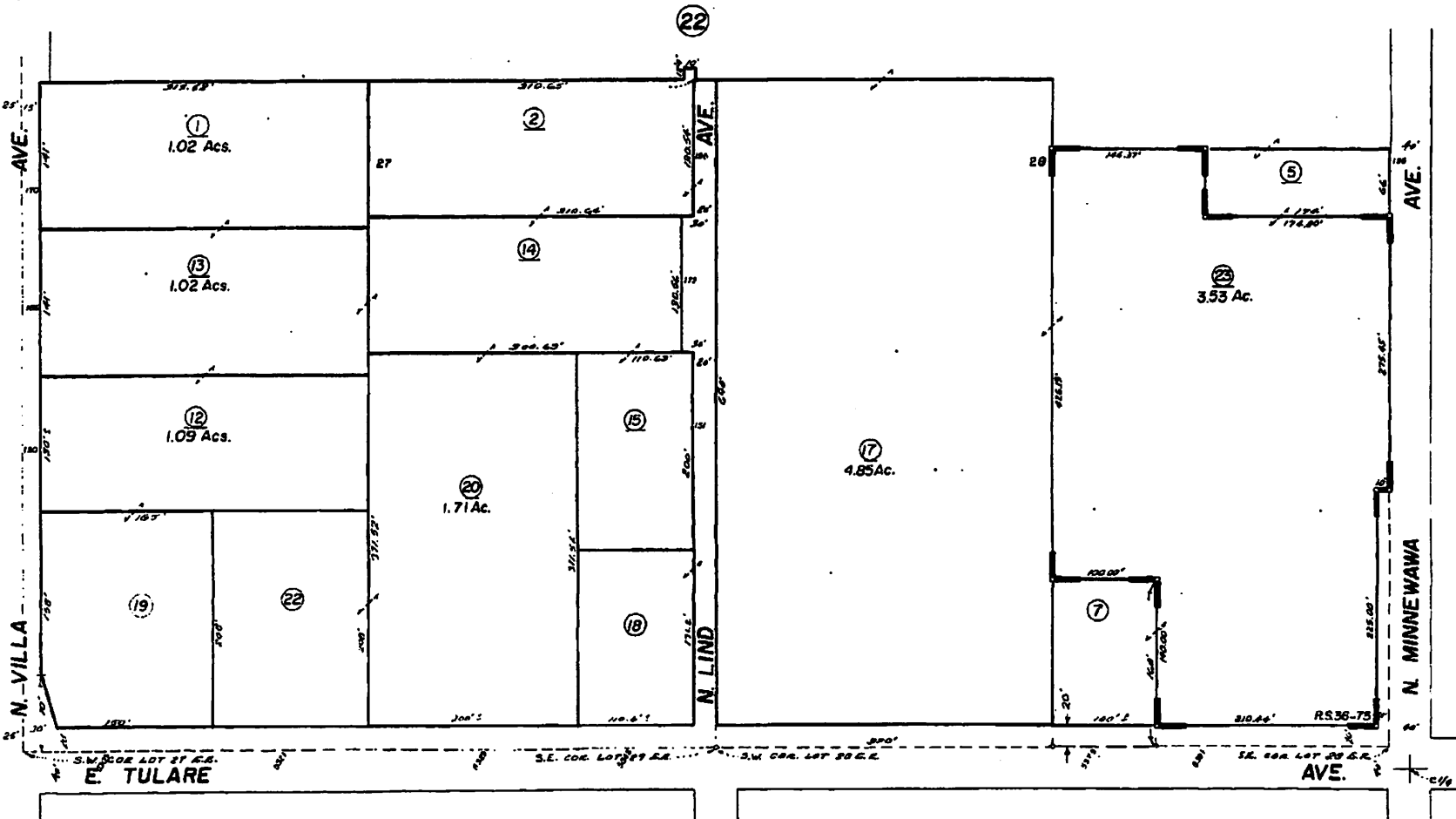
SUBDIVIDED LAND IN POR. SEC. 5, T.14S., R.21E. M.D.B. & M.

Tax Area
98-029

462-27

— NOTE —
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of zoning or subdivision law.

E. ILLINOIS
AVE



Easterby Rancho - Plat Bk. 2, Pg. 6
Record of Survey - Bk. 36, Pg. 75

Assessor's Map Bk. 462-Pg. 27
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

**BEFORE THE BOARD OF DIRECTORS OF THE
MID VALLEY FIRE PROTECTION DISTRICT
OF FRESNO COUNTY**

**ORDINANCE 2
ABATEMENT OF HAZARDOUS WEEDS**

An ordinance relating to the abatement of hazardous weeds prescribing the penalty for violation thereof and providing for the recovery of the cost thereof by the District.

The Board of Directors of the Mid Valley Fire Protection District do ordain: the Board of Directors, the Governing Body of the Mid Valley Fire Protection District, of Fresno County, do declare whenever weeds are growing upon any street, alleys, sidewalk, or on private property, in roads, highways or properties under the control of a special assessment district and within the Mid Valley Fire Protection District of Fresno County, the Board of Directors, or agents thereof, may declare the weeds a public nuisance.

General Provisions

"Weeds", as used in this part, means all weeds, grasses or rank growths, growing upon streets, sidewalks, or private property in Fresno County, within any areas administered by this Fire Protection District and includes any of the following:

- (a) Grasses, weeds which bear the seeds of a downy or wingy nature, which attain such growth as to become, when dry, a fire menace to adjacent property, sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.
- (b) Weeds which are otherwise noxious or dangerous.
- (c) Poison Oak and Poison Ivy when the conditions of growth are such as to constitute a menace to the public health.
- (d) Grass, stubble, brush, litter, or other flammable material which endangers or may in the near future endanger the public safety by creating a fire hazard in an urbanized portion of an unincorporated area.

Weeds may be declared a public nuisance and may be abated as provided in this part.

Notice

Whenever weeds are growing upon any street, sidewalk, or on private property in the Fire District, the Board of Directors may declare the weeds a public nuisance and shall send a notice letter to the property owner.

The notice shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located.

If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highway, or roads.

The notice shall describe the property upon which, or in front of which the nuisance exists by describing the property by reference to the tract, block, lot, code area and parcel number as used in the records of the county assessor or in accordance with the map used in describing property for taxation purposes.

Persons Authorized to Give Notice

The Board of Directors shall designate the person as its agent to declare any weeds as defined herein a fire hazard and public nuisance and to give notice to destroy weeds. This may be any one of the following:

- (a) The Fire District's Chief, Deputy Chief, Assistant Chiefs, Employees.
- (b) The Chief Forest Ranger, Associate Rangers, Assistant Rangers, Employees.
- (c) The Fire Prevention Officer, Assistant Fire Prevention Officers, Employees.

Content of Letter Notice

The notice shall refer to and describe the property and shall state that noxious or dangerous weeds of a seasonal and recurrent nature are growing on or in front of the property, and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, and that otherwise they will be removed and the nuisance will be abated by the fire authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds are removed and that such cost will constitute a lien upon such lots or lands until paid.

The officer, and his assistants, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing weeds.

Any property owner may have weeds removed at his own expense if it is done prior to the arrival of the officer, or his assistants, or its representatives to do it.

PENALTY

Failure to abate said premises within the time limits hereinafter prescribed shall constitute a misdemeanor punishable by fine not to exceed five hundred dollars (\$500.00) or imprisonment in an adult detention facility of the County of Fresno not to exceed six months, or by both such fine and imprisonment.

Expense of Abatement

Determination and Notice

The officer, abating the nuisance shall keep an account of the cost of abatement in front of or on each separate parcel of land and shall render an itemized report in writing to the board of Directors showing the cost, including administrative operational charges of removing the weeds on or in front of each separate lot or parcel of land, or both, within 10 days after determining the cost incurred as aforesaid notice of the amount thereof shall be given the land owner in writing by certified mail. In the event such owner desires to contest the amount, he may request a hearing thereon before the Board of Directors whose decision and confirmation of the correct amount shall be final.

Hearing on Notice

Within ten days after receipt of the notice above referred to, the recipient thereof shall cause the removal of such flammable material in the manner therein prescribe, or in the event he is of the opinion that such requirement is unjust or inadvisable for any reason, he may within five days after the receipt of such notice request a hearing thereon before the Board of Directors in order to protest the same, in which event he shall not be required to cause such removal until five days after notice of the final determination of the Board of Directors thereon. Such request for hearing and protest shall be in writing, addressed to the Board of Directors, and state the grounds of the protest. Written notice of the final action of the Directors thereon shall be mailed to the recipient at the address shown on his protest, and the five-day period shall begin to run on the day following the mailing of such notice.

Collection of Expenses

A copy of the report, as confirmed, shall be delivered to the auditor of the county, on or before the 10th day of August following confirmation, and the auditor shall enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

The tax collector shall include the amount of the assessment on bills for taxes levied against the respective lots and parcels of land.

Thereafter the amount of the assessments shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes.

All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessment taxes.

The county tax collector may, at his discretion, issue separate bills for such special assessment taxes and separate receipts for collection on account of such assessments.

All or any portion of any such special assessment, penalty or costs heretofore or hereinafter entered, shall on order of the Board of Directors be cancelled by the auditor if uncollected, or, except in the case provided for in subdivision (e) hereof, refunded by the county treasurer if collected, if it or they were entered, charged or paid:

- (a) More than once;
- (b) Through clerical error;

(c) Through the error or mistake of the Board of Directors or of the officer, Board of Directors designated by them to give notice or to destroy the weeds, in respect to any material fact, including the case where the cost report rendered and confirmed as hereinbefore provided shows the county abated the weeds but such is not the actual fact;

(d) Illegally;

(e) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

No order for a refund under the foregoing section shall be made except on a claim;

(f) Verified by the person who paid the special assessment, his guardian, executor, or administrator;

(g) Filed within three years after making of the payment sought to be refunded.

The provisions of this section do not apply to cancellations.

The lien shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of an refunding assessment shall be the same as the original assessment to which it relates. A supplemental assessment is a new assessment.

The ordinance shall be signed by the members of the Board of Directors, or a majority thereof, and published once within 15 days thereafter in the Fresno Bee, a legal newspaper of general circulation circulated in the district, and shall be fully effective within 30 days after adoption.

S/ Jack D. Jones

S/ R. O. Johnson

S/ Norman Fries

Dated:
June 10, 1968

Directors, Mid Valley Fire Protection District

COMBUSTIBLE SUBSTANCES, SMOKING RESTRICTIONS

8.28.030 Disposal permit—Investigation—Terms.

Upon application for a permit to dispose of industrial waste as provided in Chapter 8.50 of this code, the health officer shall make a full investigation of the proposal and inspect the facility, and if it is found that there will not be maintained or created a hazard to public health or a public nuisance, a permit may be approved therefor. The health officer may as terms thereof impose such conditions and restrictions as in the health officer's opinion may be reasonably necessary to prevent the maintenance or creation of a hazard to public health or a public nuisance, and may from time to time modify such conditions and restrictions as the public health and welfare may require. (Ord. 88-020 § 3 (part): prior code § 446.1.)

Chapter 8.32

COMBUSTIBLE SUBSTANCES AND SMOKING RESTRICTIONS⁵

Sections:

- 8.32.010 Definitions.
- 8.32.020 Inflammables on property—Removal.
- 8.32.030 Inflammables on property—Notice—Abatement.
- 8.32.040 Noncompliance—Action.
- 8.32.050 Permitting inflammables to scatter.
- 8.32.060 Smoking—Prohibited where.
- 8.32.070 Smoking in theaters prohibited.
- 8.32.080 Smoking prohibited in certain public places.
- 8.32.085 Smoking prohibited in place of employment.
- 8.32.090 Duty of owner, manager or other person in charge.
- 8.32.100 Penalty.

8.32.010 Definitions.

- A. "District," as used in this chapter, means a fire protection district created pursuant to Part 2.7 of Division 12 of the Health and Safety Code of the state.

COMBUSTIBLE SUBSTANCES, SMOKING RESTRICTIONS

- B. "Inflammable waste material," as used in this chapter, includes dry grass, weeds, stubble, brush, wood, paper and other combustible substances, but excludes vegetation on grain, grazing and forest land.
- C. "Legally authorized fire official," as used in this chapter, includes the district fire chiefs, California Division of Forestry officers and United States Forest Service and National Park Service Officers.
- D. "Place of employment" means any enclosed area under the control of the County of Fresno which Fresno County employees normally frequent during the course of employment, including, but not limited to work areas, employee lounges and restrooms, conference rooms, cafeterias, elevators, stairways, and hallways, but does not include enclosed areas leased or rented to private operators.

(Ord. 93-030 § 1, 1993; Ord. 0-83-010 § 1: prior code § 475.)

8.32.020 Inflammables on property—Removal.

It is unlawful for any owner of record or person in possession or control of any real property in the unincorporated area of the county, upon which there exists any inflammable waste material as defined in Section 8.32.010 which constitutes a fire hazard to property in immediate proximity thereto, to fail to remove the same therefrom within ten days after notice to do so is given by any peace officer or legally authorized fire official or authorized agent of a district. (Prior code § 476.)

8.32.030 Inflammables on property—Notice—Abatement.

Whenever a peace officer finds that inflammable waste materials exist in an unincorporated area of the county or the legally authorized fire official or his authorized agents finds that inflammable waste materials exist in an unincorporated area of the county under

COMBUSTIBLE SUBSTANCES, SMOKING RESTRICTIONS

his jurisdiction or not included in such area but in such proximity thereto as to constitute a fire hazard therein, he shall serve by mail or personal service written notice upon the owner of record or person in possession or control of the property that inflammable waste materials exist on the property and require that such materials be removed. The notice shall give the owner of record or person in possession or control of the property at least five days but not more than ten days in which to remove the inflammable waste materials. The notice may prescribe the manner of abatement. If the notice is served by mail it shall be mailed by registered mail to the last known address of the owner of record or person in possession or control, and a copy of the notice shall be posted in a conspicuous place on the property. Due diligence shall be used to determine the address of such person. (Prior code § 477.)

8.32.040 Noncompliance—Action.

A person who fails to comply with the notice served

COMBUSTIBLE SUBSTANCES, SMOKING RESTRICTIONS

pursuant to the provisions of Sections 8.32.020 and 8.32.030 or otherwise violate any provision thereof is guilty of a misdemeanor. Imposition of a penalty for violation of Section 8.32.020 shall not excuse the violation or permit it to continue; such violation shall be remedied within a reasonable time, and each ten days that such violation is permitted to exist constitutes a separate offense. (Prior code § 478.)

8.32.050 Permitting inflammables to scatter.

Any person who, within the limits of the county and outside the corporate limits of any incorporated city or town therein, shall wilfully or negligently or carelessly place or permit to be placed or allow to remain on his property or on the property under his control, any paper, paper trays, straw or other inflammable material, in such manner or condition, that the same is likely to be blown or is blown or carried by wind action or other natural causes, over, across or upon the property of another, or upon any public property or public highway is guilty of a misdemeanor. (Prior code § 479.)

8.32.060 Smoking—Prohibited where.

- A. It is unlawful for any person to smoke or ignite tobacco or other smoking material in any form upon grain, grass, brush or timber-covered lands belonging to another including such lands publicly owned or upon any road, path or trail traversing such lands between June 1st and October 31st inclusive of any year, except in any of the following circumstances:
1. In improved camp sites;
 2. In places of human habitation;
 3. In automobiles equipped with ash trays while on improved roads and trails;
 4. While on foot and stopped in an area at least three feet in diameter which is completely clear of any inflammable matter, provided in all such instances burning or glowing substances shall be completely extinguished before being discarded.
- B. This section may be enforced by any peace officer or any

Weed Abatement Standard

410.1 PURPOSE AND SCOPE

This Policy defines the weed abatement standard that will be utilized by the District.

410.2 POLICY

Fresno County ORDINANCE 8.32.02 identifies areas of Fire Hazards to include areas covered by weeds or growing on any property, street, alleyway, sidewalk, or on any private property. ([Fresno County Code of Ordinance 8.32.020](#))

A Fire Hazard constitutes a threat to real property (i.e., structures, barns, sheds, out buildings, fences), and not just capable of burning.

410.3 STANDARD

Areas, Five (5) Acres or Less:

- (a) All property shall be cleared of all dry grass, weeds, rubbish, trash, litter, tires, tree stumps, and other waste material, or any flammable material. This includes along property lines/boundaries and along roadways.
- (b) All Tumble weeds shall be removed.
- (c) Vacant property shall be completely disced or mowed to a height of less than four (4) inches.

Areas, Larger Than Five (5) Acres:

- (a) Property must have a thirty (30) foot clearance between the property line / fence line and the vegetation area. The property will also be crisscrossed with thirty (30) foot clearance lanes leaving sections of no more than five (5) acres. This clearance is usually completed by discing.
- (b) A thirty (30) foot clearance shall be maintained around any structure.

Photovoltaic Solar Panels;

- (a) A clear, brush-free area of 10 feet (30 feet in the SRA) shall be required around ground-mounted photovoltaic arrays. This area shall also be cleared of all dry grass, weeds, rubbish, trash, litter, tires, tree stumps, and other waste material, or any flammable material.
- (b) Areas within the solar array must be maintained free of flammable material, annual vegetation must be maintained at a height of less than (4) inches.

NOTE: Fenced pasture land, with grazing animals on property, will be allowed a variance.

If the property is deemed a Fire Hazard a notice of abatement will be mailed to the property owner. The property owner will have ten (10) days to abate the Fire Hazard. If the Fire Hazard has not been abated by the end of the ten (10) day notice, the District will dispatch a Fire Prevention Officer and a citation will be issued.



FRESNO COUNTY FIRE

PROTECTION DISTRICT

210 South Academy Avenue
Sanger, California 93657
Telephone: (559) 493-4300
Fax: (559) 875-8473
www.fresnocountyfire.org


NOTICE IS HEREBY GIVEN that on June 16, 2021 at 6:00 p.m. the Board of Directors ("Board") of the Fresno County Fire Protection District ("District"), at the Mid Valley Regional Fire Training Center located at 9594 E. American Avenue, Del Rey, California 93616, will hold a public hearing to hear an Appeal of a Notice of Fire Hazard:

PLEASE TAKE NOTICE THAT ON JUNE 16, 2021 AT 6:00 P.M., OR AS SOON AS THE MATTER CAN BE HEARD, AT 9594 EAST AMERICAN AVENUE, DEL REY, CALIFORNIA 93616, THE FRESNO COUNTY FIRE PROTECTION DISTRICT BOARD OF DIRECTORS WILL HEAR AN APPEAL OF A NOTICE OF FIRE HAZARD DATED APRIL 27, 2021, ISSUED WITH RESPECT TO 5526 EAST MADISON AVENUE, FRESNO, CALIFORNIA 93727 (APN: 462-113-03)

The Meeting will be subject to the Governor's Executive Order No. N-29-20, promoting social distancing and will be accessible telephonically to all members of the public via teleconference number: 1-877-336-1829, participant number 156165.

Documentation associated with the hearing will be available at the District Clerk's office seventy-two (72) hours prior to the meeting date at the Mid Valley Regional Fire Training Center, 9594 East American Avenue, Del Rey, California 93616 and will be posted on the District's website at: www.fresnocountyfire.org.

CERTIFICATION - I, DeShaunda Hermosillo, District Clerk of the Fresno County Fire Protection District, do hereby declare that the foregoing Notice of Public Hearing was posted in the *Fresno Bee* Newspaper on May 28, 2021.


DeShaunda Hermosillo, District Clerk
Fresno County Fire Protection District


DATE