

**RESOLUTION NO. 22-20**

**A RESOLUTION OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT UPHOLDING ADMINISTRATIVE CITATION NUMBER 22-1398-001 ISSUED ON JULY 12, 2022 FOR VIOLATION OF SECTION 325.6.3.1.2 OF ORDINANCE NUMBER 20-01, ON THE PROPERTY LOCATED AT 118 DAVID DRIVE IN MORAGA CALIFORNIA, APN NUMBER 258470046, AND IMPOSING A FINE IN THE AMOUNT OF \$100.00**

WHEREAS, on July 15, 2020, under the authority of Section 13869 of the California Health and Safety Code, the Moraga-Orinda Fire District (“MOFD” or “the District”) adopted Ordinance 20-01 adopting and amending the California Fire Code, 2019 Edition, and by reference, the International Fire Code, 2018 Edition; and

WHEREAS, Section 304.1.2 of the Fire Code requires all property owners and occupants in the District to clear their property of weeds, grass, vines, leaves, brush, diseased or dead trees, combustible growth, debris, or rubbish in accordance with the standards set forth in Section 325 of the Fire Code; and

WHEREAS, Section 325 of the Fire Code was intended to identify and eliminate fire hazards to decrease frequency and severity of fires that may threaten life, overwhelm fire suppression capabilities, and result in property loss; and

WHEREAS, On June 3, 2022 MOFD staff inspected the property designated as APN No. 258470046 located at 118 David Drive in Moraga (“the Property”) and observed violations of Section 325.6.3.1.2 of the Fire Code (Ordinance No. 20-01), which constitutes a fire hazard; and

WHEREAS, On June 6, 2022, MOFD staff sent the property owners a Pre-citation Notification advising them of the violation and that failure to correct the violation by July 4, 2022 would result in the issuance of an administrative citation and imposition of a \$100 fine; and

WHEREAS, The Pre-citation Notification also stated that continued failure to comply with the Fire Code might result in the issuance of additional citations and increasing fines; and

WHEREAS, MOFD staff inspected the Property again on July 11, 2022 and observed that the violation had not been remedied; and

WHEREAS, On July 12, 2022 MOFD sent the property owners Administrative Citation No. 22-1398-001 for violation of Section 325.6.3.1.2, and imposed a fine of \$100 in accordance with Ordinance No. 21-01; and

WHEREAS, On July 18, 2022, property owner David Sylvester filed a request for a hearing to contest Administrative Citation No. 22-1398-001 on the ground that he does not own the Property; and

WHEREAS, Mr. Sylvester paid the \$100 fine in full in conjunction with his request for a hearing in accordance with Section 7(a) of Ordinance No. 21-01; and

WHEREAS, On August 4, 2022, MOFD staff sent the property owners a letter notifying them that the MOFD Board of Directors would conduct a hearing on this matter at its regularly scheduled meeting of August 17, 2022; and

WHEREAS, The MOFD Board of Directors conducted a hearing on August 17, 2022, considered all evidence presented by MOFD staff, all evidence presented and any statements made by the property owners, and any statements made by members of the public; and

NOW, THEREFORE, BE IT RESOLVED that the Moraga-Orinda Fire District Board of Directors hereby upholds Administrative Citation number 22-1398-001 issued on July 12, 2022 for violation of Section 325.6.3.1.2 of Ordinance Number 20-01 on the property located at 118 David Drive in Moraga California, APN number 258470046, and hereby imposes a fine of \$100 for this violation; and be it

FURTHER RESOLVED that the property owners are hereby notified that the time for judicial review of this decision of the Board of Directors of the Moraga-Orinda Fire District is governed the California Government Code Section 53069.4; and be it

FURTHER RESOLVED that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (Minor Alterations to Land) for fuel management activities within 100 feet of a structure.

PASSED, APPROVED and ADOPTED this 17 day of August 2022 at the regular meeting of the District Board of Directors held at 1280 Moraga Way, Moraga, California 94556, on motion made by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and duly carried with the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution 22-20  
Dated: August 17, 2022

\_\_\_\_\_  
Michael Donner, President  
Board of Directors

ATTEST:

\_\_\_\_\_  
Marcia Holbrook, Secretary to the Board

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Jon Holtzman, District Counsel

\_\_\_\_\_  
Dave Winnacker, Fire Chief

HEARING CANCELLED

NO ACTION