

RESOLUTION NO. 22-27

A RESOLUTION OF THE MORAGA-ORINDA FIRE PROTECTION DISTRICT UPHOLDING ADMINISTRATIVE CITATION NUMBER 22-3307-001 ISSUED ON AUGUST 8, 2022 FOR VIOLATION OF SECTION 325.6.1 AND SECTION 325.6.3.2 OF ORDINANCE NUMBER 20-01, ON THE PROPERTY LOCATED AT 556 MINER ROAD IN ORINDA CALIFORNIA, APN NUMBER 261212004, 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 hazardous vegetation and combustible material 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 16, 2022 MOFD staff inspected the property designated as APN No. 261212004 located at 556 Miner Road in Orinda (“the Property”) and observed violations of Section 325.6.1 and Section 325.6.3.2 of the Fire Code (Ordinance No. 20-01), which constitutes a fire hazard; and

WHEREAS, On June 16, 2022, MOFD staff sent the property owners a Pre-citation Notice advising them of the violations and that failure to correct the violations by July 17, 2022 would result in the issuance of an administrative citation and imposition of a \$100 fine; and

WHEREAS, The Pre-citation Notice 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 August 5, 2022 and observed that the violations had not been remedied; and

WHEREAS, On August 8, 2022 MOFD sent the property owners Administrative Citation No. 22-3307-001 for violation of Sections 325.6.1 and 325.6.3.2 of the Fire Code (Ordinance No. 20-01), and imposed a fine of \$100 in accordance with Ordinance No. 21-01; and

WHEREAS, On August 16, 2022, property owner Douglas Barrows filed a request for a hearing to contest Administrative Citation No. 22-3307-001 on the basis that the violations were corrected prior to the August 5 inspection; and

WHEREAS, Mr. Barrows 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 September 9, 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 September 21, 2022; and

WHEREAS, The MOFD Board of Directors conducted a hearing on September 21, 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 22-3307-001 issued on August 8, 2022 for violation of Sections 325.6.1 and 325.6.3.2 of Ordinance Number 20-01 on the property located at 556 Miner Road in Orinda California, APN number 261212004, 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 21st day of September 2022 at the regular meeting of the District Board of Directors held virtually due to the COVID pandemic, on motion made by Director Jorgens, seconded by Director Jex, and duly carried with the following vote.

AYES:	DIRECTORS BAITX, DANZIGER, JEX, JORGENS, AND DONNER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Resolution 22-27
Dated: September 21, 2022

Michael Donner
Michael Donner (Sep 30, 2022 16:28 PDT)

Michael Donner, President
Board of Directors

I certify that this is a full, true and correct copy of the original document which is on file in my office, and that was passed and adopted by the Moraga-Orinda Fire Protection District on the date shown.

ATTEST:

Marcia Holbrook
Marcia Holbrook,
District Secretary/District Clerk

APPROVED AS TO FORM:

Jon Holtzman
Jon Holtzman (Oct 1, 2022 07:28 EDT)
Jon Holtzman, District Counsel

APPROVED AS TO CONTENT:

Dave Winnacker
Dave Winnacker (Oct 1, 2022 06:40 PDT)
Dave Winnacker, Fire Chief










22-27 Resolution Administrative Citation Hearing 556 Miner Rd Orinda APN 261212004 - MM Final


Final Audit Report


2022-10-01


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