

REFERENCE TITLE: municipalities; counties; wildland-urban interface regulation

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2578

Introduced by
Representatives Pratt, Shope

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-499.17; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-268.01; RELATING TO WILDFIRE HAZARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is
3 amended by adding section 9-499.17, to read:

4 9-499.17. Removal of wildfire hazards: definition

5 A. THE GOVERNING BODY OF A CITY OR TOWN THAT CONTAINS A WILDLAND-URBAN
6 INTERFACE AREA, BY ORDINANCE, SHALL COMPEL THE OWNER, LESSEE OR OCCUPANT OF
7 PROPERTY THAT IS LOCATED IN THE WILDLAND-URBAN INTERFACE AREA TO REMOVE FROM
8 THE PROPERTY ANY HAZARDOUS VEGETATION, OTHER NATURAL FUELS, TRASH OR OTHER
9 ACCUMULATION THAT CONSTITUTES A WILDFIRE HAZARD. AN ORDINANCE MUST REQUIRE:

10 1. THE FIRE CHIEF OR FIRE DISTRICT TO COORDINATE WITH THE STATE FIRE
11 MARSHAL AND THE STATE FORESTER TO IDENTIFY AND MAP WILDFIRE RISK AREAS.

12 2. WRITTEN NOTICE TO THE OWNER, LESSEE OR OCCUPANT OF PROPERTY. THE
13 NOTICE MUST BE GIVEN AT LEAST THIRTY DAYS BEFORE THE DAY SET FOR COMPLIANCE
14 AND MUST INCLUDE THE ESTIMATED COST OF ANY REMOVAL TO THE CITY OR TOWN IF THE
15 OWNER, OCCUPANT OR LESSEE DOES NOT COMPLY. THE OWNER SHALL BE GIVEN AT LEAST
16 THIRTY DAYS TO COMPLY. THE NOTICE MUST BE EITHER PERSONALLY SERVED OR MAILED
17 BY CERTIFIED MAIL TO THE OWNER, LESSEE OR OCCUPANT'S LAST KNOWN ADDRESS, OR
18 THE ADDRESS TO WHICH THE TAX BILL FOR THE PROPERTY WAS LAST MAILED. IF THE
19 OWNER DOES NOT RESIDE ON THE PROPERTY, A DUPLICATE NOTICE MUST ALSO BE SENT
20 TO THE OWNER AT THE OWNER'S LAST KNOWN ADDRESS.

21 3. PROVISIONS FOR APPEAL ON BOTH THE NOTICE AND THE ASSESSMENTS.

22 4. THAT AN OWNER, LESSEE OR OCCUPANT OF PROPERTY WHO IS REQUIRED TO
23 REMOVE ANY HAZARDOUS VEGETATION, OTHER NATURAL FUELS, TRASH OR OTHER
24 ACCUMULATION PROVIDE THE CITY OR TOWN WITH DOCUMENTATION EVIDENCING
25 COMPLIANCE WITH THE ORDINANCE.

26 5. THAT AN OWNER, LESSEE OR OCCUPANT OF PROPERTY WHO FAILS TO COMPLY
27 WITH THE ORDINANCE IS GUILTY OF A PETTY OFFENSE. ONE HUNDRED PER CENT OF ANY
28 ASSESSED FINE OR CIVIL PENALTY MUST BE DEPOSITED IN THE GENERAL FUND OF THE
29 CITY OR TOWN IN WHICH THE FINE OR CIVIL PENALTY WAS ASSESSED. AT LEAST FIFTY
30 PER CENT OF THE FINE OR CIVIL PENALTY MUST BE USED BY THE CITY OR TOWN FOR
31 THE PURPOSES OF CREATING DEFENSIBLE SPACE IN AND AROUND WILDLAND-URBAN
32 INTERFACE AREAS.

33 B. THE ORDINANCE MAY PROVIDE THAT IF THE OWNER, LESSEE OR OCCUPANT,
34 AFTER NOTICE AS REQUIRED BY SUBSECTION A, PARAGRAPH 2 OF THIS SECTION, DOES
35 NOT REMOVE OR CAUSE TO BE REMOVED THE HAZARDOUS VEGETATION, OTHER NATURAL
36 FUELS, TRASH OR OTHER ACCUMULATION AND ABATE THE CONDITION THAT CONSTITUTES A
37 WILDFIRE HAZARD, THE CITY OR TOWN MAY REMOVE, ABATE, ENJOIN OR CAUSE THEIR
38 REMOVAL AND THE OWNER, LESSEE OR OCCUPANT IS LIABLE FOR ALL COSTS ASSOCIATED
39 WITH REMOVAL OF THE HAZARDOUS VEGETATION, OTHER NATURAL FUELS, TRASH OR OTHER
40 ACCUMULATION.

41 C. FOR THE PURPOSES OF THIS SECTION, "WILDLAND-URBAN INTERFACE AREA"
42 MEANS A GEOGRAPHICAL AREA WHERE RESIDENTIAL OR COMMERCIAL STRUCTURES MEET OR
43 INTERMINGLE WITH FEDERAL, STATE, TRIBAL OR OTHER PUBLIC LAND THAT IS
44 UNDEVELOPED, OTHER THAN TRANSPORTATION OR UTILITY INFRASTRUCTURE.

1 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is
2 amended by adding section 11-268.01, to read:

3 11-268.01. Removal of wildfire hazards; definition

4 A. THE BOARD OF SUPERVISORS OF A COUNTY THAT CONTAINS A WILDLAND-URBAN
5 INTERFACE AREA, BY ORDINANCE, SHALL COMPEL THE OWNER, LESSEE OR OCCUPANT OF
6 PROPERTY THAT IS LOCATED IN THE WILDLAND-URBAN INTERFACE AREA TO REMOVE FROM
7 THE PROPERTY ANY HAZARDOUS VEGETATION, OTHER NATURAL FUELS, TRASH OR OTHER
8 ACCUMULATION THAT CONSTITUTES A WILDFIRE HAZARD. AN ORDINANCE MUST REQUIRE
9 AND INCLUDE:

10 1. A FIRE DISTRICT TO COORDINATE WITH THE STATE FIRE MARSHAL AND THE
11 STATE FORESTER TO IDENTIFY AND MAP WILDFIRE RISK AREAS.

12 2. WRITTEN NOTICE TO THE OWNER, LESSEE OR OCCUPANT OF PROPERTY. THE
13 NOTICE MUST BE GIVEN AT LEAST THIRTY DAYS BEFORE THE DAY SET FOR COMPLIANCE
14 AND MUST INCLUDE THE ESTIMATED COST OF ANY REMOVAL TO THE COUNTY IF THE
15 OWNER, OCCUPANT OR LESSEE DOES NOT COMPLY. THE OWNER SHALL BE GIVEN AT LEAST
16 THIRTY DAYS TO COMPLY. THE NOTICE MUST BE EITHER PERSONALLY SERVED OR MAILED
17 BY CERTIFIED MAIL TO THE OWNER, LESSEE OR OCCUPANT'S LAST KNOWN ADDRESS, OR
18 THE ADDRESS TO WHICH THE TAX BILL FOR THE PROPERTY WAS LAST MAILED. IF THE
19 OWNER DOES NOT RESIDE ON THE PROPERTY, A DUPLICATE NOTICE MUST ALSO BE SENT
20 TO THE OWNER AT THE OWNERS LAST KNOWN ADDRESS.

21 3. PROVISIONS FOR APPEAL ON BOTH THE NOTICE AND THE ASSESSMENTS.

22 4. THAT AN OWNER, LESSEE OR OCCUPANT OF PROPERTY WHO IS REQUIRED TO
23 REMOVE ANY HAZARDOUS VEGETATION, OTHER NATURAL FUELS, TRASH OR OTHER
24 ACCUMULATION PROVIDE THE COUNTY WITH DOCUMENTATION EVIDENCING COMPLIANCE WITH
25 THE ORDINANCE.

26 5. THAT AN OWNER, LESSEE OR OCCUPANT OF PROPERTY WHO FAILS TO COMPLY
27 WITH THE ORDINANCE IS GUILTY OF A PETTY OFFENSE. ONE HUNDRED PER CENT OF ANY
28 ASSESSED FINE OR CIVIL PENALTY MUST BE DEPOSITED IN THE GENERAL FUND OF THE
29 COUNTY IN WHICH THE FINE OR CIVIL PENALTY WAS ASSESSED. AT LEAST FIFTY PER
30 CENT OF THE FINE OR CIVIL PENALTY MUST BE USED BY THE COUNTY FOR THE PURPOSES
31 OF CREATING DEFENSIBLE SPACE IN AND AROUND WILDLAND-URBAN INTERFACE AREAS.

32 B. THE ORDINANCE MAY PROVIDE THAT IF THE OWNER, LESSEE OR OCCUPANT,
33 AFTER NOTICE AS REQUIRED BY SUBSECTION A, PARAGRAPH 2 OF THIS SECTION DOES
34 NOT REMOVE OR CAUSE TO BE REMOVED THE HAZARDOUS VEGETATION, OTHER NATURAL
35 FUELS, TRASH OR OTHER ACCUMULATION AND ABATE THE CONDITION THAT CONSTITUTES A
36 WILDFIRE HAZARD, THE COUNTY MAY REMOVE, ABATE, ENJOIN OR CAUSE THEIR REMOVAL
37 AND THE OWNER, LESSEE OR OCCUPANT IS LIABLE FOR ALL COSTS ASSOCIATED WITH
38 REMOVAL OF THE HAZARDOUS VEGETATION, OTHER NATURAL FUELS, TRASH OR OTHER
39 ACCUMULATION.

40 C. FOR THE PURPOSES OF THIS SECTION, "WILDLAND-URBAN INTERFACE AREA"
41 MEANS A GEOGRAPHICAL AREA WHERE RESIDENTIAL OR COMMERCIAL STRUCTURES MEET OR
42 INTERMINGLE WITH FEDERAL, STATE, TRIBAL OR OTHER PUBLIC LAND THAT IS
43 UNDEVELOPED, OTHER THAN TRANSPORTATION OR UTILITY INFRASTRUCTURE.