



ORDINANCE 2025-01

AN ORDINANCE OF THE KENSINGTON FIRE PROTECTION DISTRICT TO DESIGNATE FIRE HAZARD SEVERITY ZONES PURSUANT TO GOVERNMENT CODE SECTION 51179 AND TO ESTABLISH PROCEDURES FOR DEFENSIBLE SPACE AND HOME HARDENING INSPECTIONS WITHIN THE HIGH AND VERY HIGH FIRE HAZARD SEVERITY ZONES

WHEREAS, California continues to experience increasingly severe and frequent wildfires that threaten lives, property, infrastructure, and ecosystems, particularly in Wildland-Urban Interface (WUI) and classified Fire Hazard Severity Zones (FHSZs); and

WHEREAS, pursuant to Government Code Section 51178, the State Fire Marshal identifies areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas; and

WHEREAS, Government Code Section 51179 requires the Kensington Fire Protection District (District) to designate, by ordinance, moderate, high and very high fire severity zones in its jurisdiction within 120 days of receiving recommendations from the State Marshal pursuant to Section 51178; and

WHEREAS, defensible space is an area where flammable material is removed or reduced to help protect people, homes, and communities from wildfire; and

WHEREAS, Assembly Bill 38 (AB 38), effective January 1, 2021, promotes wildfire resilience by requiring sellers of real property located in high or very high FHSZs to provide buyers with documentation regarding compliance with applicable defensible space standards prior to the sale of the home; and

WHEREAS, the District has further advanced fire risk mitigation through the promotion of home hardening strategies, which involve retrofitting buildings with ignition-resistant materials and design features proven to reduce structural loss during wildfires; and

WHEREAS, Government Code Section 51182, Public Resources Code Section 4291, and 14 Cal. Code Regs. Sections 1299.01-1299.05 establish defensible space standards for the 5-30 feet surrounding a property ("Zone 1") to reduce wildfire risk by minimizing flammable materials and maintaining vegetation in a way that slows fire spread as well as standards for the 30-100 feet surrounding a property ("Zone 2") to slow the spread of wildfire by reducing the amount of vegetation that could fuel flames; and

WHEREAS, scientific research and post-fire assessments have demonstrated that the 0-5 feet immediately surrounding a property ("Zone Zero") is the most vulnerable area to windborne embers and flame contact, and that keeping this area free of combustible material significantly reduces the risk of structural ignition; and

WHEREAS, the California Board of Forestry and Fire Protection will adopt regulations providing standards for Zone Zero by December 31, 2025 focusing on ember resistance and the removal of combustible materials adjacent to or touching a structure; and

WHEREAS, the District supports proactive wildfire risk reduction and seeks to align local regulations with state law by adopting defensible space and home hardening measures that include Zone Zero standards; and

WHEREAS, the District will issue a certificate of compliance to owners of real property upon successful completion of a defensible space and home hardening inspection, providing formal documentation of fire safety compliance as required under AB 38; and

WHEREAS, establishing the District's authority to conduct AB 38 inspections and issuance of certificates of compliance will streamline real estate transactions, enhance public safety, and promote community wide wildfire resilience.

WHEREAS, the District will coordinate with CAL FIRE, the California State Fire Marshal and other relevant agencies to ensure consistency with state programs and to share data, best practices, and compliance information as needed.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE KENSINGTON FIRE PROTECTION DISTRICT ORDAINS AS FOLLOWS:

Section 1: Incorporation of Recitals. The Board of Directors finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2: Procedures for Defensible Space and Home Hardening Inspections are hereby adopted:

Designation of fire hazard severity zones

The Fire Hazard Severity Zones located within the Kensington Fire Protection District are hereby designated as recommended by the California Director of Forestry and Fire Protection pursuant to Government Code Section 51182. The maps of the Fire Hazard Severity Zones are hereby incorporated by reference and entitled "Kensington Fire Protection District Fire Hazard Severity Zones." The official maps are available on the District's website. A copy of these maps shall be kept on file in the office of the fire chief and will also be made accessible through the building department.

Vegetation management standards

- A. Any person who owns, leases, controls, operates or maintains a building or structure shall maintain such building or structure in conformance with the vegetation maintenance standards established by the applicable defensible space and home hardening requirements of Public Resources Code Section 4291, Government Code Section 51182, 14 CCR Sections 1299.01-1299.05 and any other state regulations adopted pursuant to Public Resources Code Section 4291 or Government Code Section 51182, and any regulations adopted by the District, as each is amended from time to time
- B. The El Cerrito-Kensington Fire Department, through the Fire Chief, is hereby authorized and directed to increase defensible space requirements and implement a home hardening program for buildings or structures within the District.

Inspection and issuance of certificates of compliance

- A. Prior to the sale of any real property that is within a high or very high fire hazard severity zone as designated by the Kensington Fire Protection District Fire Hazard Severity Zones map, the owner of the property must request a defensible space and home hardening inspection from the El Cerrito-Kensington Fire Department and provide to the buyer a certificate of compliance or noncompliance report provided by the El Cerrito-Kensington Fire Department pursuant to Section 8.30.030(C).
- B. An owner of any real property that is within a high or very high fire hazard severity zone as designated by the Kensington Fire Protection District Fire Hazard Severity Zones map may voluntarily request a defensible space and home hardening inspection from the El Cerrito-Kensington Fire Department. Upon completion of the inspection, the El Cerrito-Kensington Fire Department shall issue a certificate of compliance or a noncompliance report as described in Section 8.30.030(C).
- C. Upon completion of a defensible space and home hardening inspection confirming full compliance with Public Resources Code Section 4291 and 14 CCR Sections 1299.01-1299.05, as each is amended from time to time, the El Cerrito-Kensington Fire Department shall issue a certificate of compliance valid for a period of up to six (6) months. Upon completion of an inspection confirming noncompliance with Public Resources Code Section 4291 and 14 CCR Sections 1299.01-1299.05, as each is amended from time to time, the El Cerrito-Kensington Fire Department shall issue a written noncompliance report summarizing each area of noncompliance.
- D. The District may, by resolution of the Board of Directors, adopt a fee to recover the costs required to implement this Section 8.30.030, including the costs of inspections, issuance of certificates of compliance, and preparation of noncompliance reports.

Violations and penalties

- A. A violation of this chapter shall constitute an infraction punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.
- B. Conviction of a second violation of this chapter within five years shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars.
- C. Conviction of a third violation of this chapter within five years shall constitute a misdemeanor punishable by a

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fine of not less than five hundred dollars.

Public nuisance

Any violation of the above shall constitute a public nuisance which may be abated, and abatement costs recovered, in the manner relating to fire hazard abatement, or such other manner as authorized by state or local law.

Section 3: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The board of directors hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 4: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

The foregoing ordinance was introduced at a regular meeting of the Kensington Fire Protection District held on June 18, 2025, and passed by the following vote:

AYES: Madugo, Artis, Paul, Watt

NOES:

ABSENT: Levine

ABSTAIN:

ADOPTED AND ORDERED published at a regular meeting of the Board of Directors held on July 16, 2025 and passed by the following vote:

AYES: Levine, Artis, Paul, Watt

NOES:

ABSENT: Madugo

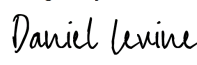
ABSTAIN:

Signed by:


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Dean Richard Artis, Secretary

Signed by:


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Daniel Levine, President

Appendix A

- **Class-A fire rated roof** – Most roofs qualify including asphalt shingles, concrete, brick, or masonry tiles, and metal shingles or sheets.
- **5 foot ember resistant zone, including fencing** –
- **Ember- and fire-resistant vents** – 1/16 to 1/8 inch noncombustible, corrosion-resistant metal mesh screens over exterior vents.
- **Non-combustible 6 inches at the bottom of exterior walls** – A minimum of 6 vertical inches measured from the ground up and from any attached horizontal surface of noncombustible material. Noncombustible materials include brick, stone, fiber-cement siding or concrete.
- **Enclosed eaves** – Enclosed eaves with non-combustible or ignition resistant materials.
- **Multi-paned windows** – Multi-paned glass or added shutters qualify.
- **Cleared vegetation, weeds and debris from under decks** – Noncombustible materials like concrete, gravel, or bare soil are permitted.
- **Removal of combustible sheds and other outbuildings to at least a distance of 30 feet** – These include sheds, gazebos, accessory dwelling units (ADUs), open covered structures with a solid roof, dog houses and playhouses.