Public Safety Commission Meeting 08-05-26
**Item 5.A.**

# Public Safety Commission Agenda Report

To: Chair Spiegel and Members of the Public Safety Commission

Prepared by: Austin Anderson, Senior Management Analyst

Approved by: Susan Dueñas, Public Safety Director

Date Prepared: July 20, 2026 Meeting Date: August 5, 2026

Subject: Proposed Wildfire Mitigation Strategies

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RECOMMENDED ACTION: 1) Receive a report on proposed wildfire mitigation strategies; and 2) Provide feedback to staff; and 3) Make a recommendation to the City Council if appropriate.

DISCUSSION: To improve the City's wildfire resilience and better address vegetation that creates a fire hazard to nearby properties, staff is seeking the Commission's input on two proposed strategies: 1) adopt a local Zone Zero requirement; and, 2) strengthen the City's Nuisance Abatement Ordinance to improve the City's ability to address vegetation that poses a wildfire risk.

**Zone Zero**

California's wildfire regulations are established by the Board of Forestry and Fire Protection, which sets fire safety standards for high-risk fire areas. Under AB 3074 and SB 504, the Board developed Zone Zero (the ember-resistant zone), which applies to the five-foot area immediately surrounding structures. The purpose of Zone Zero is to reduce combustible materials near buildings and lower the risk of homes igniting during wildfire. The State's current proposal has shifted from the stricter regulations originally considered to an approach focused on education, outreach, and phased implementation for existing homes. While these regulations establish statewide minimum standards, cities may adopt more protective local requirements.

Because Malibu is in a Very High Fire Hazard Severity Zone and has experienced devastating wildfires, staff is evaluating local Zone Zero requirements that would further reduce wildfire risk. Potential options include:

1. Adopting standards like the State's original proposal, including limits on combustible vegetation and materials within the five-foot ember-resistant zone, vegetation and tree canopy clearance from structures, removal of combustible debris, and other measures designed to reduce ignition risks around homes.
2. Implementing the requirements through a phased compliance schedule beginning in the City's highest-risk areas.
3. Incorporating Zone Zero requirements into the City's existing brush clearance and defensible space regulations.

**Nuisance Abatement Code**

Staff are also proposing amendments to the City's Nuisance Abatement Code (MMC Chapter 8.28) to strengthen the City's ability to address hazardous vegetation that poses a wildfire risk. Although many vegetation hazards can be addressed through existing Fire Code and annual brush clearance requirements, dangerous conditions may develop between inspections and require additional enforcement authority. Examples include:

- Accumulations of dead or dying vegetation.
- Overgrown hedges or vegetation that create continuous fuel pathways between properties.
- Significant ladder fuels.
- Trees that have deteriorated since a previous inspection and now pose a fire hazard to nearby properties.

To address these situations, staff propose adding a new subsection after Section A.4 of the Code (Attached) to classify accumulations of dead or dying vegetation and other hazardous vegetation conditions that create a fire risk to nearby properties as a public nuisance subject to abatement. This amendment would provide clearer authority to require the removal of hazardous vegetation before it contributes to wildfire spread, improving the City's ability to protect neighboring properties and public safety. It would also complement the City’s broader wildfire mitigation strategy by reducing hazardous fuel conditions before they contribute to wildfire spread.

Staff welcome the Commission’s input on the proposed Zone Zero options and the amendment to the Nuisance Abatement code.

ATTACHMENTS: MMC Ch. 8.28 NUISANCE ABATEMENT

### § 8.28.010. Nuisance defined.

A. For purposes of this chapter, a nuisance includes any one or more of the following:

1. Any activity, building, condition, development, installation, land, occupancy, structure, or use that violates the Malibu Municipal Code or the Malibu Local Coastal Program Local Implementation Plan (or any condition of any permit or license approved pursuant thereto).

2. Anything which is injurious to health or safety, or is indecent or offensive to the senses, or an obstruction to the free use of property or injurious to the stability of real property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of river, bay, stream, canal, or basin, or any public park or street, and which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

3. Any condition of property that is injurious or potentially injurious to the public health, safety, or welfare, or which is injurious or potentially injurious to adjacent properties.

4. Any accumulation or storage of trash, biohazards (including human waste), or articles of personal property on undeveloped or vacant land that creates, or creates the conditions for, a fire or safety hazard to nearby persons or properties, including, without limitation, the maintenance or storage of cooking or heating paraphernalia or equipment on undeveloped or vacant land, which facilitates activity that creates a risk of fire or otherwise creates a public health hazard.

B. Property owners and other persons in lawful possession of property shall not allow, cause, create, maintain, or permit others to allow, cause, create, or maintain property in the city in such a manner so as to create a nuisance as set forth in subsection A of this section.

C. Notwithstanding any provisions of this chapter, the city council may further define by ordinance any particular condition constituting a nuisance.

(Prior code § 4300; Ord. 453 § 4, 2019; Ord. 490 § 2, 2021)

### § 8.28.020. Duty of owner or possessor of property.

Every person who shall own or be in possession of any property, place or area within the boundaries of the city shall, at his or her own expense, maintain the property, place or area free from any nuisance.

(Prior code § 4301)

### § 8.28.030. Notice to abate nuisance.

Whenever the city council determines that a nuisance exists upon any property, place or area within the boundaries of the city, the city manager may notify in writing the owner

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or person in possession of the property, place or area to abate the nuisance within 15 days from the date of the notice. The notice shall be given by registered or certified mail addressed to the owner or person in possession of the property, place or area at his or her last known address.
(Prior code § 4302)

### § 8.28.040. Contents of notice.

The notice shall state that if the nuisance is not abated or good faith efforts towards abatement not been made to the satisfaction of the city manager within 15 days from the date thereof, a hearing shall be held before the city council to hear any protest of the owner, possessor or other interested person. The notice shall specify the time, date and place of the hearing, which shall be set for the regular meeting of the council next following the expiration of the 15 day period.
(Prior code § 4303)

### § 8.28.050. Hearing and decision.

If the nuisance is not abated or good faith efforts towards abatement have not been made within the time set forth in Section 8.28.030, the city council shall conduct a hearing at the time and place fixed in the notice at which evidence may be submitted by interested persons. Upon consideration of the evidence, the council may declare the condition to constitute a public nuisance and order the abatement thereof. The decision of the city council shall be final. The city clerk shall notify all owners and possessors of the subject property, place or area of the decision of the council.
(Prior code § 4304)

### § 8.28.060. Abatement by city—Notice of charge.

Upon failure, neglect or refusal by a person notified pursuant to Section 8.28.050, to abate a nuisance within 30 days after the date of notice, the city council is authorized to cause the abatement of the nuisance and pay for the abatement. A warrant shall be obtained prior to abating the nuisance where required by law. The city council shall notify, in writing, the owner or possessor of the property, place or area upon which a nuisance has been abated by the city, of the cost of said abatement. Such notice shall be given in the same manner as required by Section 8.28.030. The notice shall also offer the property owner the opportunity to appear before the council to protest the cost amount.
(Prior code § 4305)

### § 8.28.070. Lien.

If the total cost of the abatement of the nuisance by the city is not paid to the city in full within 10 days after the date of the notice of the cost of the abatement, or within 10 days after the council has heard a protest from the property owner, if any, and has confirmed the final cost, the city clerk shall record, in the office of the county recorder, a statement of the total balance due to the city, a legal description of the property, place or area involved, and the name of the owner or possessor concerned. From the date of such recording, the balance due will constitute a lien on the property. The lien will continue in

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full force and effect until the entire amount due, together with interest at the maximum legal rate accruing from the date of the completion of the abatement, is paid in full.
(Prior code § 4306)

### § 8.28.080. Charges to be billed on tax bill.

The city may also, in accordance with the provisions of the laws of the state of California, cause the amount due to the city by reason of its abating a nuisance together with interest at the maximum legal rate, accruing from the date of the completion of the abatement, to be charged to the owners of the property, place or area on the next regular tax bill. All laws of the state of California applicable to the levy, collection and enforcement of city taxes and county taxes are made applicable to the collection of these charges.
(Prior code §4307)

### § 8.28.090. Court action.

The city council may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of a nuisance by the city and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this chapter, the city may bring the appropriate civil and criminal actions in a court of competent jurisdiction for abatement of any nuisance existing within the city pursuant to any other provision of law.
(Prior code § 4308)

### § 8.28.100. Summary abatement.

Notwithstanding any other provision of this chapter to the contrary, if the city manager determines that a nuisance presents a threat to the public health or safety or a danger to life or surrounding property, and there is insufficient time to follow the administrative process described in Malibu Municipal Code Section 8.28.050, the city manager may summarily abate the nuisance according to the following procedures:

A. Notice. Prior to undertaking summary abatement, the city manager or designee shall reasonably attempt to identify and contact, by telephone or otherwise, the owner, occupant, or tenant of the property to notify such person of the nuisance and to seek immediate voluntary abatement.

B. Abatement. If the city manager is unable to reasonably contact the persons specified in subsection A of this section, or if such person fails or refuses to act immediately to abate the nuisance, the city manager or designee is authorized to summarily abate the nuisance, incurring such costs as are reasonably necessary to that effort, including, but not limited to, the costs of biohazard treatment services or the costs of collecting and storing individuals' personal property.

C. Costs. Property owners and persons in legal possession of the property are jointly and severally liable for the costs of summary abatement actions taken pursuant to this section. Such costs shall be charged and collected in accordance with the methods allowed in Sections 8.28.070 through 8.28.090 of this code, or as

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otherwise provided by law.
(Prior code § 4309; Ord. 490 § 3, 2021)

**§ 8.28.110. Attorney fees.**

A. The prevailing party of any action, administrative proceeding, or special proceeding to abate a nuisance or to cause the abatement of a nuisance shall be entitled to recover attorney fees. Attorney fees shall not be recoverable unless the city elects in writing, at the initiation of that individual action or proceeding, to seek recovery of its own attorney fees. In no action, administrative proceeding, or special proceeding shall an award of attorney fees to a prevailing party exceed the amount of reasonable attorney fees incurred by the city in the action or proceeding.

B. Unpaid attorney fees shall be collectible in any manner allowed by law.
(Ord. 387 § 1, 2015)

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