

ORDINANCE NO. 2019-03

**AN ORDINANCE OF THE CITY OF NEVADA CITY ADDING CHAPTER 8.10
TO TITLE 8 OF THE NEVADA CITY MUNICIPAL CODE ESTABLISHING
VEGETATION MANAGEMENT, DEBRIS REMOVAL AND ABATEMENT
REGULATIONS**

WHEREAS, fire protection and control have become increasing concerns of the public in view of the disastrous fire in recent years making vegetation control vital in preventing and limiting the effects of wildfires; and

WHEREAS, the City of Nevada City has entered into an agreement with the adjacent City of Grass Valley for shared management and administrative services making it even more desirable and convenient coordinate the fire control regulations in the two jurisdictions; and

WHEREAS, both jurisdictions have by their respective ordinances previously adopted the California Fire Code with local modifications, restricted open burning and banned fireworks, establishing penalties for violations thereof, but the City of Grass Valley has more extensive regulations for vegetation management and yard debris removal (Section 8.16.200); duty to abate and abatement procedures (Sections 8.16.220-230); and emergency vehicle access (Section 8.16.240) that it would be desirable for the City of Nevada City to adopt as well for uniformity and safety of its citizens .

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City as follows:

SECTION I:

Title 8 Health and Safety of the Nevada City Municipal Code is hereby amended to add a new Chapter 8.10 Miscellaneous Fire Control Regulations adopted to read as set forth in Exhibit "A", attached hereto and incorporated herein by such reference.

SECTION II:

STATUTORY CONSTRUCTION & SEVERABILITY: It is the intent of the City Council of the City of Nevada City to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or

circumstance. The City Council of the City of Nevada City hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION III:

CEQA EXEMPTION: The City Council finds and declares that this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule exemption set forth in subsections (b) (3) of the CEQA Guidelines.

SECTION IV:

This Ordinance shall become effective thirty (30) days after the adoption date thereof and within fifteen (15) days of the passage of this Ordinance, the City Clerk shall publish this Ordinance in The Union, a newspaper of general circulation.

PASSED AND ADOPTED this 27th day of March, 2019 by the following vote:

AYES: MINETT, MOBERG, PARKER, SENUM, STRAWSER

NOES:

ABSTAIN:

ABSENT:



David Parker, Mayor

ATTEST: 

Niel Locke, City Clerk

EXHIBIT "A"

Chapter 8.10

VEGETATION MANAGEMENT, DEBRIS REMOVAL AND ABATEMENT

Sections:

8.10.010	Purpose and Definitions
8.10.020	Additional Definitions
8.10.030	Duty to Abate Flammable Vegetation and Combustible Material
8.10.040	Emergency Vehicle Access
8.10.050	Abatement Procedures
8.10.060	Enforcement
8.10.070	Violation—Penalty

8.10.010 Purpose

The purpose of this chapter is to adopt regulations in addition to those already in effect in Title 15 to further increase protection from fire of residents and their property within the City of Nevada City in uniformity with the adjacent City of Grass Valley with which it shares administrative services and cooperates with on fire responses. This Chapter is intended to include additional fire control regulations and not to amend any existing fire safety regulations in Title 15. For purposes of this Chapter, the definitions in Section 15.08.010 are adopted by reference shall apply and the terms and words herein shall have the meaning ascribed to them therein unless specifically defined herein or the context directs otherwise.

8.10.020 Additional Definitions

As used in this chapter, certain additional terms and words are defined as follows:

"APN" means the Assessor's Parcel number as assigned by the County of Nevada.

"Aerial fuels" means all live and dead vegetation above surface fuels, including tree branches, twigs and cones, snags, moss, and high brush, for example trees and large bushes.

"Approved warming device" means a portable or fixed, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. It may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. All devices shall be equipped with spark-arresting screens.

"Building or structure" means any structure used for support or shelter of any use or occupancy.

“Combustible material” means heavy fuels, slash, refuse piles, dead trees or tree limbs (either standing or downed) that constitute a fire hazard and endanger people or property.

“Flammable vegetation” means any growth that will readily burn, including, but not limited to, dead pine needles or leaves, dry grasses over four inches (4”) in height, tree limbs, bushes, trees less than six inches (6”) in diameter at breast height (DBH), manzanita, dense berry thickets or other dry invasive or noxious plants, that constitute a fire hazard and endanger people or property.

“Heavy fuels” means materials of large diameter such as snag logs and large tree limbs that ignite and are consumed more slowly than flash fuels such as tree needles, leaves and grasses.

“Improved property” means any property with a building or structure.

“Ladder fuels” means fuels that carry a fire vertically between or within a fuel type.

“Surface fuels” means loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches that have not yet decayed enough to lose their identity; also grasses, low and medium shrubs, tree seedlings, heavier branches and downed logs.

“Refuse piles” means accumulations of flammable vegetation, rubbish and/or scrap materials, including, but not limited to, waste paper, wood, hay, straw, weeds, litter or other flammable waste.

“Unimproved property” means any property without a building or structure.

8.10.030 Duty to Abate Flammable Vegetation and Combustible Material

It shall be the duty of every owner, occupant, or person in control of any private land, whether improved or unimproved, within the City of Nevada City to abate therefrom on such property, at his or her own expense, all weeds, flammable vegetation and other combustible materials that constitute a fire hazard. The obligation to abate shall comply with the following, shall be completed by June 1 of each year, and shall be maintained through the fire season as declared by the California Department of Forestry and fire Protection (CAL FIRE):

A. Improved or unimproved property less than or equal to 1.00 acre: The entire property shall be mowed/cleared so that weeds are no higher than four inches (4”) above mineral soil, the roof of every building and/or structure shall be free of leaves, pine needles, flammable vegetation and/or combustible materials. No portion of any tree shall be within ten feet (10’) of the outlet of any chimney, stovepipe and/or electrical power service drop. Any plant, tree, or shrub adjacent to or overhanging a building and/or structure shall be free of dead or dying wood. Trees shall be free of branches six feet (6’) up from the ground. If height of the tree does not allow six feet (6’) of clearance, the chief of the fire department or an authorized representative will determine appropriate clearance.

B. Improved or unimproved property greater than 1.00 acre: As measured from the property line, a 30-foot perimeter surrounding the property shall

be mowed or cleared so that weeds are no higher than four inches (4") above mineral soil, the roof of every building and/or structure shall be free of leaves, pine needles, flammable vegetation, and combustible materials. No portion of any tree shall be within ten feet (10') of the outlet of a chimney, stovepipe, and/or electrical power service drop. Any plant, tree, or shrub adjacent to or overhanging a building and/or structure shall be free of dead or dying wood. Trees shall be free of branches six feet (6') up from the ground. Trees shall be free of branches six feet (6') up from the ground. If height of the tree does not allow six feet (6') of clearance, the Chief of the fire department or an authorized representative will determine appropriate clearance.

8.10.040 Emergency Vehicle Access

- A. No property owner may allow any portion of any vegetation on his or her property to interfere with street and emergency vehicle access, regardless of whether the access is along a public street or along a private residential access road. Vegetation must be trimmed back to a minimum distance of three feet (3') from the edge of the street pavement. Vegetation must also be trimmed to a minimum height of thirteen feet six inches (13'6") above street pavement. The chief of the fire department or an authorized representative may provide written notice to the property owner requiring vegetation to be trimmed for a specified additional distance when the fire chief determines the vegetation would otherwise interfere with street or emergency vehicle access. If the property owner fails to maintain these clearance requirements, the city may abate this nuisance without further notice and at the property owner's expense. This subsection shall not apply to cultivated ground-cover such as green grass, ivy, succulents, or similar plants used as ground-covers, provided they do not constitute a fire hazard.
- B. Without notice, the chief of the fire department may also summarily abate weeds or hazardous growth on private property that in any way hinders emergency access, and may charge the property owner for the costs of the abatement.

8.10.050 Abatement Procedures

In order to reduce fire hazards and nuisances associated with weeds, other flammable vegetation, refuse piles, and/or combustible materials upon or in front of private property, improved or unimproved, the City council may conduct proceedings pursuant to Chapter 8.04 of this Code. Such proceedings may include requiring abatement of fire hazards throughout the city, entering upon private property and performing abatement where the private property owner does not abate. The cost of such abatement will be assessed upon the nuisance property under Chapter 8.04 of this Code and such costs will constitute a lien upon the

land until paid and will be collected upon the next tax roll upon which real property taxes are collected.

8.10.060 Enforcement

It shall be the duty of the chief of the fire department or his authorized representative to enforce the requirements of this Chapter.

8.10.070 Violation—Penalty

Any person who violates any of the provisions of this chapter shall be guilty of an infraction, punishable by a fine of not more than one hundred dollars (\$100.00) for the first violation, or not more than two hundred dollars (\$200) for a second violation within one (1) year. A third (or subsequent) violation within a twelve-month period may be charged and prosecuted as a misdemeanor, notwithstanding the designation of earlier violations as infractions.