

**BEFORE THE BOARD OF DIRECTORS
OF THE
TRUCKEE FIRE PROTECTION DISTRICT
OF NEVADA COUNTY, CALIFORNIA**

ORDINANCE 02-2012

AN ORDINANCE OF THE TRUCKEE FIRE PROTECTION DISTRICT OF NEVADA COUNTY SETTING FORTH DEFENSIBLE SPACE REQUIREMENTS WITHIN ALL AREAS OF THE TRUCKEE FIRE PROTECTION DISTRICT OF NEVADA COUNTY, INCLUDING PLACER COUNTY AND THE TOWN OF TRUCKEE, AND SETTING FORTH ABATEMENT PROCEDURES AND ENFORCEMENT OPTIONS.

THE BOARD OF DIRECTORS OF THE TRUCKEE FIRE PROTECTION DISTRICT OF NEVADA COUNTY (HEREAFTER "TFPD") ORDAINS AS FOLLOWS:

Section 1: Findings and Purpose.

- A. Fires are extremely costly, not only to property owners and residents, but also to public agencies. Fires pose a serious threat to the preservation of the public peace, health, safety, and welfare. Since fires ignore civil boundaries, it is necessary that towns, counties, special districts, and state and federal agencies work together to bring fires under control. Preventive measures are therefore needed to ensure the preservation of the public, peace, health, safety, and welfare.
- B. The area within and surrounding the TFPD is subject to extended periods of no precipitation, low humidity, and high winds. The area within TFPD is mountainous with several steep slopes, which allows the spread of wildfires to rapidly occur. The area is also forested area with high concentrations of trees, many of which are not specifically endemic to the area, and therefore are highly combustible. There is also a significant amount of urban interface wherein occupied structures are exposed to wildfires. There are no other feasible mitigation measures possible to reduce the risk of ignition or the spread of wildfire to these structures, other than the defensible space requirements described below.
- C. TFPD also finds and declares that parcels that are not properly maintained pursuant to this Ordinance constitute a public and/or private nuisance.
- D. The purpose of this Ordinance is to provide for the creation of defensible space not only in and about structures, but also on unimproved parcels so to increase the chances that wildfires that do start do not rapidly spread, and to increase the chances that homes, structures, and other real property, whether or not improved, will survive a wildfire. The purpose is to also increase the chances that firefighters will be able to stop the spread of a wildfire and extinguish it before burning out of control, while at the same time protecting rare and sensitive plants, animal species, and the environment. Creating such defensible

spaces will also improve the health of the wildlands and forests in and about the TFPD, which requires removing diseased, dying or dead trees, reducing the density of trees, brush, and other vegetation, which traditionally was naturally carried out by small fires occurring approximately every 20 years.

Section 2: Defensible Space Requirements.

- A. Any person, including, but not limited to corporations, partnerships, LLC's, LLP's, or any other legally recognized entity that owns, leases (as landlord or tenant), controls, and operates or maintains any real property within the boundaries of TFPD shall at all times do all of the following:

Maintain defensible space of 100 feet on each side and from the front and rear of any structure, but not beyond the property line, except as provided in Section 2B. The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, type of vegetation, soil condition, and slope as well as the presence of diseased, dying or dead trees. Fuel shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure, or that such wildfire would spread out of reasonable fire suppression control. This Section does not apply to single specimens of trees or the vegetation that are well pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure, from a structure to other nearby vegetation, or from vegetation to vegetation. The intensity of fuels management may vary within the 100 foot perimeter of the structure, the most intense being within the first 30 feet around a structure. Consistent with fuel management objectives, steps should be taken to minimize erosion. For purposes of this paragraph, "fuel" means any combustible material, including petroleum based products, wild land fuels, lumber, scrap lumber and firewood.

- B. Pursuant to Public Resources Code Section 4291(a)(2), and the findings set forth above, any person, including, but not limited to corporations, partnerships, LLC's, LLP's, or any other legally recognized entity that owns, leases (as landlord or tenant), controls, and operates or maintains any real property within the boundaries of TFPD shall, upon the written order of the TFPD Fire Chief or their designee, remove vegetation, including, but not limited to trees, brush, and other understory, whether located within 100 feet of a structure or not and whether or not the parcel of real property is improved or not, so to reduce the likelihood that a wildfire will spread under average weather conditions notwithstanding ordinary fire suppression efforts reasonable fire suppression control. Such clearing of defensible space shall not be required beyond a property owner's property line, but a vacant lot shall be subject to the requirements of this Ordinance and in determining the clearing to be required, consideration shall be given to nearby structures, even if on nearby parcels.
- C. These defensible space requirements are intended to both supplement and supersede the defensible space requirements of Public Resources Code Section 4291. All of the

requirements of Section 4291 and this Ordinance shall be required within all areas of TFPD.

- D. The defensible space provisions of this Ordinance shall not apply to any water area or land acquired or managed for one or more of the following purposes:
- 1) Habitat for endangered or threatened species or any species that is a candidate for listing as an endangered or threatened species by the state or federal government, unless it is determined that acquiring such defensible space shall not harm or endanger any such species.
 - 2) Land kept in a predominately natural state as habitat for wildlife, plant, or animal communities; unless it is found that such defensible space shall not harm or endanger any such wildlife, plant, or animal communities.
 - 3) Open space lands that are environmentally sensitive park lands.
 - 4) Other lands having scenic values, as determined by TFPD or by state or federal law.

Section 3: Abatement and Enforcement.

- A. Pursuant to Health and Safety Code Section 13871, violation of this Ordinance is punishable as a misdemeanor pursuant to Penal Code Section 19, or as an infraction pursuant to Penal Code 17.
- B. Pursuant to Government Code Section 51186, if the owner of any such real property fails to correct the conditions in order to be in compliance with this Ordinance and Government Code Section 51182, TFPD may cause the corrections to be made and the expense incurred shall become a lien on the property that is the subject of the corrections when such lien is recorded pursuant to Government Code Section 51186.

Section 4: Appeals.

Any person affected by this Ordinance or wishing to appeal a determination by the Fire Chief or their designee to create defensible space or any such order of abatement shall do so within 30 days of receipt of any written notice of violation from TFPD in writing by delivering such writing to the TFPD clerk during TFPD normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.). Such writing shall include a request for a hearing before the TFPD Board of Directors. Any civil enforcement actions by TFPD shall be suspended pending hearing and decision of the appeal (which shall be heard by a majority of the TFPD Board of Directors).


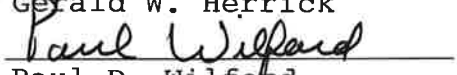
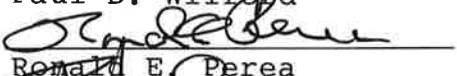

Section 5: Miscellaneous.

- A. Any property owner may request an inspection of such person's real property located within the TFPD boundaries, and the TFPD shall, to the extend practicable, perform the

inspection and provide a written report verifying compliance or specifying deficiencies to the property owner within 15 business days of the request. In the event such inspection cannot be performed due to prior requests, the press of business, inclement weather, or snow accumulation preventing adequate inspection, then the inspection shall be made as soon as practicable. A certificate of compliance issued pursuant to this section shall be valid for a period of three years from the date of the property inspection, unless there is a substantial change in the condition of the property.

- B. Any headings utilized in this Ordinance are inserted for convenience of reference only and shall not be used define, limit or otherwise construe this Ordinance 1-2012.
- C. If any section, subsection, paragraph, clause, or word of this Ordinance is determined in a final ruling of a court of competent jurisdiction to be invalid or unenforceable, such finding shall not invalidate any other section, subsection, paragraph, clause, or word of this Ordinance, which shall remain in full force and effect.
- D. This Ordinance shall take effect and be in force 30 days from the date of its passage. Before the expiration of 15 days after its passage, the Ordinance shall be published once in the Sierra Sun, a newspaper of general circulation within the jurisdiction of TFPD.
- E. Upon the effective date of this Ordinance 1-2012, Ordinance 1-95, Ordinance 1-96, and Resolution 1-94 are hereby repealed, except that any pending enforcement or abatement actions shall remain and be pursued until resolution.

PASSED AND ADOPTED at a duly held meeting of the Board of Directors of the Truckee Fire Protection District of Nevada County, on March 20, 2012, by the following vote:

AYES:  NOES: _____
Gerald W. Herrick
 _____
Paul D. Wilford
 ABSENT: Robert E. Snyder
Ronald E. Perea
 _____
Victor R. Hernandez
ABSTAIN: _____

ATTESTED BY: 
Joyce L. Engler, Clerk of the Board

DATED: March 20, 2012