Action Item

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Agenda Item No.

Report to the Auburn City Council

City Manager's Approval

To:	Mayor and City Council Members
From:	Mark D'Ambrogi, Fire Chief
Date:	April 8, 2013
Subject:	Ordinance Amending Auburn Municipal Code; Section 100.87 of Chapter 100 of Title IX; Fuel Modification Standards, Requirements- Second Reading

The Issue

Shall the City Council amend Auburn Municipal Code Section 100.87 of Chapter 100 of Title IX; Fuel Modification Standards, Requirements?

Conclusion and Recommendation

Staff recommends the City Council wave full reading and adopt an ordinance to amend the Auburn Municipal Code Section 100.87 of Chapter 100 of Title IX; Fuel Modification Standards, Requirements.

Background

At the March 25, 2013 City Council meeting an ordinance was introduced to amend the Auburn Municipal Code; Section 100.87 of Chapter 100 of Title IX; Fuel Modification Standards, Requirements, specifically the deletion of subsection (10) of section (B). Subsection (10) refers to a termination date of section (B) to occur in May 2013. At introduction the recommendation was to eliminate subsection (10) thus placing section (B) in full effect at all times without a "sunset" clause. There were no proposed language changes other than to eliminate subsection (10) at March 25, 2013 City Council meeting.

Alternatives Available to Council; Implications of Alternatives

1. Adopt Ordinance amendment to Section 100.87;
2. Take no action, the current Municipal Code language in section (B) will terminate and revert back to section (A) only.

Fiscal Impact

There are no direct City costs as a result of this proposed change.

Attachment(s)

Amended Ordinance

ORDINANCE NO. 13-

AN ORDINANCE AMENDING THE AUBURN MUNICIPAL CODE BY AMENDING TITLE IX, CHAPTER 100;SECTION 100.87, FUEL MODIFICATION STANDARDS, REQUIREMENTS.

WHEREAS, the City Council of the City of Auburn does hereby find that there is need to enforce regulations to regulate and govern the safeguarding of life and property from fire hazards and from conditions hazardous to life or property in the development and occupancy of property within the City;

WHEREAS, the City Council does hereby further find that in accordance with section 15061(b)(3) of the California Code of Regulations, the adoption of local amendments to the California Codes, and amending the Auburn Municipal Code are exempt from the provisions of the California Environmental Quality Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1

Section 100.87 of Chapter 100 of Title IX of the Auburn Municipal Code is amended to read as follows:

Sec. 100.87 Fuel Modification Standards, Requirements

(A) Reduction of Fire Hazard. Any person who owns, leases, controls, operates, or maintains any dwelling or structure in, upon, or adjoining any mountainous area, forest-covered land, brush-covered land, grass covered land, or any land that is covered with flammable material, which area or land is within fire hazard severity zone shall at all times do all of the following:

(1) Defensible Space. Maintain around and adjacent to any building or structure defensible space by removing and clearing away, for a distance of not less than 100 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible

growth. This does not apply to ornamental shrubbery or similar plants that are used as groundcover that do not readily support ignition of fire, and if they do not form a means of rapidly transmitting fire from the growth to any building or structure. Trees shall be permitted within the defensible space provided that the horizontal distance between the crowns of adjacent trees is not less than 10′. Deadwood and litter shall be regularly removed from trees. Tree crowns extending to within 10′ of any structure shall be pruned to maintain a minimum horizontal clearance of 10′.Tree crowns within the defensible space shall be pruned to remove limbs located less than 6′ above the ground surface. (2)

Additional Defensible Space. Maintain around and adjacent to any such building or structure additional defensible space by removing all brush, flammable vegetation, or combustible growth which is located from 100 feet to 200 feet from any such building or structure or to the property line, whichever is nearer, as may be required by the Fire Chief if he/she finds that, because of extra hazardous conditions, such application around the building or structure is needed to provide reasonable fire safety. Grass and other vegetation located more than 100 feet to 200 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(3) Trees. Remove that portion of any tree that extends within 10 feet of the outlet of any chimney or stovepipe.

(4) Dead or Dying Wood. Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(5) Vegetative Growth. Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(6) Chimney and Stovepipe. Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any

fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall

be constructed of nonflammable material with openings of not more than one-half inch in size.

(7) Disposal of Flammable Vegetation and Fuels. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permits.

(8) Greenbelts. Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wildland fuels and structures. The locations shall be approved by the fire department.

(9) Fuel Breaks. Fuel breaks such as shaded fuel breaks, vegetation clearance, and other vegetation modification methods shall be required as condition of development for such open space areas and areas that interface between wildland fuels and structures.

(B) Additional Reduction of Fire Hazard. Any person who owns, leases, controls, operates, or maintains any dwelling, structure, or land in, upon, or adjoining any mountainous area, forest-covered land, brush-covered land, grass covered land, or any land that is covered with flammable material, which area or land is within a Very High Fire Hazard Severity Zone or High Fire Hazard Severity Zone and one (1) acre or greater in size ("Responsible Person") shall at all times do all of the following:

(1) Defensible Space. Maintain around and adjacent to any building or structure defensible space by removing and clearing away, for a distance of not less than 100 feet on each side thereof, all flammable vegetation

or other combustible growth. This does not apply to ornamental shrubbery or similar plants that are used as groundcover that do not readily support ignition of fire, and if they do not form a means of rapidly transmitting fire from the growth to any building or structure. Trees shall be permitted within the defensible space provided that the horizontal distance between the crowns of adjacent trees is not less than 10′. Deadwood and litter shall be regularly removed from trees. Tree crowns extending to within 10′ of any structure shall be pruned to maintain a minimum horizontal clearance of 10′.Tree crowns within the defensible space shall be pruned to remove limbs located less than 6′ above the ground surface. In addition, Responsible Persons shall:

(a) Maintain defensible space on property(s) within 100′ of any building or structure, whether that building or structure is located on the property or on a neighboring property.

(b) A Responsible Person's may satisfy the obligation to maintain 100′ of defensible space around a structure located on a neighboring property by providing written consent, in a form reasonably acceptable to the Fire Chief, to the owner(s) or occupant(s) of the structure to be protected to enter Responsible Person's land to perform the work necessary to establish and maintain 100′ of defensible space around the structure.

(2) Additional Defensible Space. Maintain around and adjacent to any such building or structure additional defensible space by removing all brush, flammable vegetation, or combustible growth which is located from 100 feet to 200 feet from any such building or structure, as may be required by the Fire Chief if he/she finds that, because of extra hazardous conditions, such application around the building or structure is needed to provide reasonable fire safety. Grass and other vegetation located more than 100 feet to 200 feet from the building or structure and

less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. Should the Fire Chief determine that more than 100′ of defensible space (up to 200′) is required for any structure, the duty to establish and maintain that defensible space shall be borne by the Responsible Party with respect to the land to be maintained under paragraph (1) above whether or not the structure to be protected is on property owned or controlled by the Responsible Person.

(3) Trees. Remove that portion of any tree that extends within 10 feet of the outlet of any chimney or stovepipe.

(4) Dead or Dying Wood. Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(5) Vegetative Growth. Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(6) Chimney and Stovepipe. Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall

be constructed of nonflammable material with openings of not more than one-half inch in size.

(7) Disposal of Flammable Vegetation and Fuels. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permits.

(8) Greenbelts. Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts

strategically as a separation between wildland fuels and structures. The locations shall be approved by the fire department.

(9) Fuel Breaks. Fuel breaks such as shaded fuel breaks, vegetation clearance, and other vegetation modification methods shall be required as condition of development for such open space areas and areas that interface between wildland fuels and structures.

(C) Exceptions to Sections A and B. These sections of this ordinance shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:

(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.

(2) Open space lands that are environmentally sensitive parklands.

(3) Other lands having scenic values and declared by the City of Auburn or by state or federal law.

(a) This exemption applies whether the land or water area is held in fee title or any lesser interest. This exemption applies to any public agency, any private entity that has dedicated the land or water areas to one or more of those purposes or uses, or any combination of public agencies and private entities making that dedication.

(b) This section shall not be construed to prohibit the use of properly authorized prescribed burning to improve the biological function of land or to assist in the restoration of desired vegetation.

(c) In the event that any lands adjacent to any land or water area described in subdivision (a) are improved such that they are subject to Government Code Section 51182, the obligation to

comply with Section 51182 shall be with the person owning, leasing, controlling, operating, or maintaining the occupied dwelling or occupied structure on the improved lands. All maintenance activities and other fire prevention measures required by Section 51182 shall be required only for the improved lands, not the land and water areas described in subdivision (a).

Section 2.

Pursuant to Government Code Section 36933, the City Clerk is authorized to prepare a summary of this ordinance to be published and posted in lieu of publication and posting of the entire text of the ordinance.

Section 3.

If any part of this ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision.

DATED: April 8, 2013

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Kevin Hanley, Mayor

ATTEST:

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Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder , City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 8th day of April 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

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Stephanie L. Snyder, City Clerk