

ORDINANCE NO. 18-06
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN
ADDING SECTION 100.58 OF CHAPTER 100 OF TITLE IX OF THE
AUBURN MUNICIPAL CODE REGARDING OPEN BURNING AND
RECREATIONAL FIRES

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section One. Code Addition. The following definitions are hereby added in alphabetical order to Section 100.52 of Chapter 100 of Title IX of the Auburn Municipal Code:

OPEN BURNING. Shall have the same meaning as in the Fire Code: The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE. Shall have the same meaning as in the Fire Code: An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet

(610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Section Two: Code Addition. Subsection (H) of section 100.58 of Chapter 100 of Title IX of the Auburn Municipal Code is hereby added to read as follows:

(H) Fire Code Section 307.1.1 is hereby amended to read as follows:

307.1.1 Prohibited open burning. Open burning shall be prohibited within the city, except when conducted under a temporary permit authorized by the fire chief in accordance with the Fire Code.

Section Three: Code Addition. Subsection (I) of section 100.58 of Chapter 100 of Title IX of the Auburn Municipal Code is hereby added to read as follows:

(I) Fire Code Section 307.4.2 is hereby amended to read as follows:

307.4.2 Prohibited recreational fires. Recreational fires shall be prohibited within the city, except when conducted under a temporary permit authorized by the fire chief in accordance with the Fire Code.

Section Four: Findings of Fact and Need for Modifications to California Building Standards Code. Pursuant to California Health and Safety Code sections 18941.5 and 17958, the City Council of the City of Auburn hereby finds that the amendments adopted herein are reasonably necessary because the city has unique local

climatic and topographic conditions. These local conditions have an adverse effect on the prevention of (1) major loss fires and (2) the potential for life and property loss, making the changes or modifications in the California Building Standards Code necessary in order to provide a reasonable degree of property security, and fire and life safety in the City. Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Building Standards Code.

A. Climatic Findings of Fact.

1. The City of Auburn weather is mild during the summer when daytime temperatures tend to range in the 70-90 degree Fahrenheit range, and cold during the winter, which daytime temperatures tend to be in the 40-degree Fahrenheit range. The City experiences large temperature variations between night and day during the summer; the difference can be up to 40 degrees Fahrenheit.

2. The City has a mix of urban population growth interspersed with areas of vegetation growth. Intensive use of land in urban areas means bigger buildings, which can also create complex problems for fire safety.

3. Average yearly rainfall for the City is approximately 30 inches. This rainfall normally occurs from November to May. Precipitation creates a condition where emergency responders need to drive more cautiously. Wet roads can be present during winter months, contributing to slick roadways and resulting in numerous vehicle collisions.

4. The City of Auburn also has a hot-summer Mediterranean climate that is characterized by cool, moist winters and hot, dry summers that cause an increase in fire risk during the summer and fall months. A significant portion of the City resides in a Very High Fire Hazard Severity Zone, as classified by the California Department of Forestry and Fire Protection (CAL FIRE).

B. Topographical Findings of Fact.

1. The City is bisected by numerous topographical features including creeks, natural parkways, open space, bridges/overpasses, freeways, drainage canals, wildland, and hillside areas. These topographical features significantly impact the ability of emergency responders to extinguish or control wildland or structure fires.

2. Moderate traffic congestion on the City's major streets and intersections at peak times acts as a constraint to timely response for fire and emergency vehicles. As a result of increased development both within the City and in the unincorporated area of the County, some roadways and intersections in the City are expected to have significantly increased traffic flow rates in the future. In the event of an accident or other emergency sections of the City could be isolated or response time could be sufficiently slowed so as to increase the risk of injury or damage.

3. Extended response times for a full fire fighting force to a known fire have the strong potential for increased risk to life and increased property damage and built in fire protection systems such as automatic fire alarm and automatic fire sprinkler systems are

necessary, where they are otherwise not required by this code, to limit the threat to life and increased property loss.

C. Summary. The local climatic and topographical conditions affect the acceleration, intensity and size of fires in the community. Times of little or no rainfall, or low humidity and high temperature create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires. Auburn's downtown and surrounding areas contain numerous historic and older buildings that are located close together, which can exacerbate the fire condition from dry conditions, wind, and shake shingle roofs. Additionally, the City's development pattern contributes to its unique fire protection needs as the City is intersected by natural features and is also subject to traffic conditions. Local vegetation contributes to the fire dangers in the City, as the vegetation provides ready fuel for fast-spreading wildfires. These structures and the flammable material are susceptible to ignition by embers from a wild land fire, furthering the spread of fire to adjacent buildings.

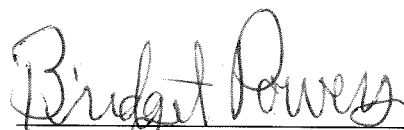
Section Five: California Environmental Quality Act. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the City Council, and hereby determines that that the adoption of this Ordinance will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act (CEQA) review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations. If this Ordinance is found subject to CEQA, it is categorically exempt therefrom pursuant to Title 14,

Section 15305 of the California Code of Regulations (Minor Alterations in Land Use Limitations).

Section Six: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance 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 the rules adopted hereby. The City Council of the City of Auburn 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 remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

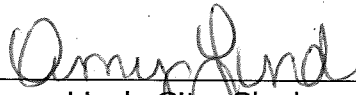
Section Seven: Publication and Effective Date. This ordinance shall take effect 30 days after final adoption. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

DATED: June 25, 2018



Bridget Powers, Mayor


ATTEST:



Amy Lind, City Clerk

I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 25th day of June 2018 by the following vote on roll call:

Ayes: Spokely, Kirby, Maki, Powers
Noes:
Absent: Berlant
Abstain:



Amy Lind, City Clerk