

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING SECTIONS 8.16.230 AND 8.16.240 OF CHAPTER 8.16 OF THE MUNICIPAL CODE REGULATING VEGETATION MANAGEMENT AND YARD DEBRIS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRASS VALLEY:

SECTION 1. CODE AMENDMENT. Section 8.16.230 of Chapter 8.16 of Title 8 of the Grass Valley Municipal Code is amended to read as follows:

8.16.230 - 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 Grass Valley, 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 all weeds, flammable vegetation and other combustible materials shall comply with the following, shall be completed by May 1 of each year, and shall be maintained through October 31 or the end of fire season as declared by the California Department of Forestry and Fire Protection (CAL FIRE) whichever comes first:

1. **Improved or Unimproved Property Less Than or Equal to One Acre:** The entire property shall be mowed/cleared so that “flammable vegetation” as defined in Section 8.16.210 is no higher than four inches above mineral soil, the roof of every building and/or structure shall be free of flammable vegetation. No portion of any tree shall be within ten feet 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 up from the ground, if height of the tree does not allow the six feet of clearance, the chief of the fire department or an authorized representative will determine appropriate clearance.
2. **Improved and/or Unimproved Property Greater Than One Acre:** A fifteen-foot clearance zone, measured from the property line, shall be provided if the property abuts an “improved property” as defined in Section 8.16.210. A thirty-foot clearance zone, as measured from the edge of the sidewalk nearest to the property line or from the street line if there is no sidewalk, shall be provided when property abuts any public or private rights-of-way, or fire apparatus access road. For the purposes of this Section 8.16.230(2), a clearance zone means “flammable vegetation” as defined in Section 8.16.210, is no higher than four inches above

mineral soil and the roof of every building and/or structure shall be free of “flammable vegetation” as defined in Section 8.16.210. No portion of any tree shall be within ten feet 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 up from the ground, if height of the tree does not allow the six feet of clearance, the chief of the fire department or an authorized representative will determine appropriate clearance.

SECTION 2. CODE AMENDMENT. Section 8.16.240 of Chapter 8.16 of Title 8 of the Grass Valley Municipal Code is amended to read as follows:

8.16.240 - Emergency vehicle access.

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 a minimum distance of three-feet from the edge of street line for properties less than or equal to one acre and thirty-feet from the edge of the street line for properties greater than one acre. Vegetation must also be trimmed to a minimum height of thirteen feet six inches 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 groundcover such as green grass, ivy, succulents, or similar plants used as groundcovers, provided they do not constitute a fire hazard.

SECTION 3. CEQA FINDINGS. This Ordinance is not a project within the meaning of Section 15378 of the CEQA (California Environmental Quality Act) Guidelines because it has no potential to result in physical change in the environment, directly or indirectly. This Ordinance is also exempt under CEQA Guideline Section 15304 because it allows only minor public or private alterations to the condition of land, water, or vegetation. This Ordinance is also exempt under CEQA Guideline Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect 30 days after its adoption under Article VII, § 2 of the Grass Valley City Charter.

SECTION 6. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the ____ day of _____ 2022.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the ____ day of _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Ben Aguilar, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael G. Colantuono, City Attorney

City Clerk