

ORDINANCE NO.38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY REPEALING AND REPLACING ARTICLE II (“MISCELLANEOUS FIRE CONTROL REGULATIONS”), ARTICLE III (“PROHIBITIONS”), ARTICLE IV (“FIREWORKS”), AND ARTICLE V (“VIOLATIONS – PENALTY”) OF CHAPTER 8.16 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING FIRE CONTROL REGULATIONS

Be it ordained by the Council of the City of Grass Valley:

SECTION 1. CODE AMENDMENT. Articles II, III, IV, and V of Chapter 8.16 of Title 8 of the Grass Valley Municipal Code are hereby repealed and replaced as set forth in Exhibit A attached to this Ordinance and incorporated by such reference.

SECTION 2. ENVIRONMENTAL DETERMINATION. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) and has been determined to be not a Project under section 15378(b)(5) (Organizational or Administrative Activities) of the CEQA Guidelines. To the extent the adoption of this Ordinance constitutes a Project subject to CEQA, it is categorically exempt pursuant to sections 15061(b)(3) (Common Sense Exemption), 15304 (Minor Alterations to Land), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), and 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA Guidelines.

SECTION 3. INCONSISTENCIES. Any provision of the Grass Valley Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and/or further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

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. EFFECT OF AMENDMENTS. It is the intent of the City Council of the City of Grass Valley that the Grass Valley Municipal Code sections affected by this Ordinance shall not be considered repealed and reenacted in their amended form; that the portions which are not altered are to be considered as having been the law from the time when they were enacted; that the new provisions are to be considered as having been enacted at the time of the amendment; and that the omitted portions are to be considered as having been repealed at the time of the amendment.

SECTION 6. 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 7. 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 _____ 2024.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the _____ day of _____ 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

Jan Arbuckle, Mayor

ATTEST:

APPROVED AS TO FORM:

Taylor Day, City Clerk

Michael G. Colantuono, City Attorney

EXHIBIT A

Chapter 8.16 – FIRE CONTROL REGULATIONS

ARTICLE II – FIRE REGULATIONS

8.16.200 – Purpose and Findings

1. The City supports the improved parcel defensible space obligations found in California Public Resources Code section 4291 and wishes to supplement it to ensure defensible space is maintained on parcels adjacent to improved parcels and along emergency access and evacuation routes and fire access easements.
2. To enhance public safety and to encourage efficient enforcement and administration of defensible space obligations, this Chapter adopts within the City enforceable standards consistent with Public Resources Code section 4291. These standards are enacted as local amendments to the California Building Standards Code and California Fire Code as adopted by Article I (“California Fire Code Adoption”) of Chapter 8.16 (“Fire Control Regulations”) of this Code.
3. During the wildland fire season as defined by the California Department of Forestry and Fire Protection (CalFire), the City generally has a dry, arid climate conducive to wildfires. The City also has a very diverse and complex landscape, which includes dry, brush-covered and grass-covered wildlands, mountainous areas, heavily forested properties and other terrains which are home to vital watersheds and many sensitive plant and animal species. Many of the City’s native and non-native plant species can be highly combustible during normal dry periods and have contributed to significant wildfires within the City. Difficult topography and terrain exacerbate the fire danger and the difficulty of fighting wildfires and have resulted in catastrophic fire losses to life, property and the environment.
4. Of paramount importance to the City is the protection of lives and structures from the threat of wildfire and the safety of firefighters and law enforcement during wildfires. The proper establishment of defensible space benefits property owners, public safety personnel and all residents of the City. Defensible space dramatically increases the likelihood that structures will survive a wildfire, promotes firefighter safety during a firestorm, and generally aids in the protection of lives.
5. The purpose of this Article is to provide for the removal of hazardous vegetation and combustible material around improvements in the City to reduce the potential

for fire and to promote the public health, safety and welfare. It is the further purpose of this Article to establish a hazardous vegetation reduction program to identify and abate hazardous vegetation to preserve life and property, while protecting sensitive plant and animal species and protecting against significant erosion and sedimentation. The removal of hazardous vegetation in the areas subject to this Article is an essential action property owners can take to increase the chances that property will survive a wildfire while also protecting the natural environment. Regular fuels management consistent with this Article is necessary to achieve adequate defensible space. The defensible space required by this Article is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite structures, and there is no other feasible mitigation measure to reduce the risk of ignition or spread of wildfire to structures on adjacent parcels.

6. Open burning and fireworks present a significant hazard to the environment and to safety. It is in the City's best interest to prohibit open burning and the sale, use and discharge of fireworks within the City. This Article prohibits fireworks and open burning within the city, other than as specified in this Article, to reduce the risk of uncontrolled fires.
7. The Fire Chief shall be principally responsible for the enforcement of this Ordinance.

8.16.210 – Application

This Article shall apply to:

1. All areas of the City.
2. All Parcels adjacent to Improved Parcels where: the owner or occupant of an Improved Parcel is unable to obtain the Defensible Space required by this Code on that Improved Parcel and a Public Official determines the current condition of fuels on the subject Parcel is a hazardous fire condition. The owner of such an adjacent Parcel shall modify fuels to meet the Defensible Space requirements of the adjacent Improved Parcel subject to applicable law, including a finding by a Public Official that fuel modification or abatement is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure, and there is no other feasible mitigation measure to reduce the risk of ignition or spread of wildfire to the Structure.
3. All Parcels where:

- A. The Parcel is adjacent to a roadway or fire access easement which is determined by a Public Official to be necessary for the safe ingress and egress; and
- B. A Public Official has assessed the current condition of fuels on the adjacent Parcel as a hazardous fire condition.
- C. The owner, occupant or other person in control of an Improved Parcel shall be responsible for 50 percent of the Abatement Costs an adjacent unimproved parcel if the owner of that adjacent Parcel consents in writing to the abatement.

If any part of this Article conflicts with any other part of this Code, the more restrictive provision(s) shall control.

8.16.220 – Definitions

As used in this Article, the following definitions shall apply:

1. “Abate” or “Abatement” means to remove, destroy, eliminate, seize, impound, or otherwise mitigate a public nuisance.
2. “Abatement Costs” means any and all costs incurred by the City to enforce this Article and to abate hazardous vegetation or combustible material on any property pursuant to this Article, including physical abatement costs, administration fees and any additional actual costs incurred for the abatement proceeding(s), including attorney’s fees.
3. “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.
4. “CalFire” means the State of California Department of Forestry and Fire Protection.
5. “Biomass” means all green waste material generated during the fuels treatment project. Biomass includes, without limitation, all grass, weeds, vegetation and tree trimmings.
6. “Citation” or “Administrative Citation” means a civil citation issued pursuant to this Code stating there has been a violation of one or more provisions of this code and

setting the amount of the civil penalty the Responsible Party is to pay under Chapter 1.14 of this Code.

7. "City" means, depending on context, either the area of or the institution of the City of Grass Valley.
8. "Combustible Material" means all rubbish, litter or material of any kind other than Hazardous Vegetation that is combustible and endangers the public safety by creating a fire hazard.
9. "Days" means calendar days.
10. "Defensible Space" means that area described in Public Resources Code section 4291 and as otherwise described in this Code, which is adjacent to a Structure that must be cleared of Hazardous Vegetation or Combustible Material as set forth in this Code.
11. "Fire Hazard" means any condition, arrangement, act or omission which:
 - A. Increases, or may cause an increase of, hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or
 - B. May obstruct, delay, hinder or interfere with the operations of a fire department or the egress of occupants in the event of fire.
12. "Fire-Resistive Construction" means construction using the methods and meeting the minimum requirements set by California Building Code Chapter 7A and the International Wildland-Urban Interface Code.
13. "Fireworks" and "safe and sane fireworks" have the meanings ascribed to them in Sections 12500 et seq. of the California Health and Safety Code.
14. "Fuel Modification Area" means a strip of land in which the following fuel reduction activities are required:
 - A. Cut and remove all weeds and grasses down to 4 inches or lower;
 - B. Prune and remove "Ladder Fuels" up to 10 feet or higher;

- C. Remove all dead or decaying trees and tree limbs; and
- D. Perform any other fire protection or maintenance activities within the Fuel Modification Area(s) consistent with the standards and requirements adopted by CalFire as authorized by Public Resources Code section 4290 or as required by a Public Official pursuant to this Article.
15. "Hazardous Vegetation" means any vegetation that is combustible and endangers the public safety by creating a fire hazard. Hazardous vegetation includes material that in its natural state will readily ignite, burn and transmit fire from native or landscape plants to any Structure or to other vegetation. Hazardous Vegetation includes, but is not limited to, dry grass and leaves, brush, weeds, green waste, dead or dying trees, low-hanging branches, litter or other flammable vegetation that create a fire hazard. Hazardous Vegetation shall not include a commercial agricultural crop that is being actively grown and managed by the property owner or his or her legal tenant.
16. "Improved Parcel" means a Parcel on which a Structure is located.
17. "Ladder Fuels" mean fuels that can carry a fire vertically between or within Combustible Material or Hazardous Vegetation.
18. "Local Responsibility Area" means any area in which the financial responsibility of preventing and suppressing fires has been determined to be primarily that of a city, county, city and county, or district.
19. "Parcel" means a portion of real property of any size, the area of which is determined by the Assessor's maps and records, and which may be identified by an Assessor's Parcel Number (APN).
20. "Public Official" means the Grass Valley Fire Chief, the Fire Chief of any agency contracted for fire protection within the City, City police officers, City Code enforcement officers, City Fire Department officers, and trained prevention staff as may be designated by the Fire Chief or the City Manager to enforce this Article.
21. "Responsible Party" means an individual, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, firm, organization, partnership, joint venture or any other person or entity whatsoever whose act or omission causes or contributes to a violation of this Article.

22. "State Responsibility Area" means any area in which the financial responsibility of preventing and suppressing fires has been determined by the State Board of Forestry and Fire Protection to be primarily that of the State pursuant to Public Resources Code section 4125.
23. "Structure" means any dwelling, house, building, or other type of combustible construction, whether or not occupied, including but not limited to a wood fence within the Defensible Space of any Structure.
24. "Training Fire" is defined in section 8.16.270 of this Code
25. "Unimproved Parcel" means a Parcel Number (APN) upon which no Structure is located.
26. "Very High Fire Hazard Severity Zones" or "VHFHSZ" means an area designated as a very high fire hazard severity zone by the State Fire Marshal pursuant to Government Code section 51178 that is not a State Responsibility Area.

8.16.230 – Vegetation Management Standards: General

1. Maintenance. Persons owning, leasing, controlling, operating or maintaining Structures in, upon or adjoining land within the City, and persons owning, leasing or controlling land adjacent to such Structures, shall at all times:
 - A. Maintain an effective Fuel Modification Area by removing, clearing, or modifying Combustible Material, Hazardous Vegetation, and any other flammable materials from within 100 feet of such Structures. (See exception (E)(iii) for Fire-Resistive Construction and other features for approval and/or a reduction of the Fuel Modification Area.) The Fuel Modification Area may be replanted with either approved, irrigated, fire-resistant material or approved non-irrigated, drought-tolerant, fire-resistant material. Replanting of the Fuel Modification Area may be required for erosion control.
 - B. Remove portions of trees, which extend within 10 feet of the outlet of a chimney, stove pipe, or heater outlet.
 - C. Maintain trees adjacent to or overhanging a Structure free of deadwood.

D. Maintain the roof of a Structure free of leaves, needles or other dead vegetative growth.

E. Exceptions:

- i. Single specimens of trees, ornamental shrubbery or similar plants used as ground cover, provided that they do not form a means of rapidly transmitting fire from the native growth to any Structure.
- ii. Grass and other vegetation located more than 30 feet from Structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.
- iii. With the approval of a Public Official, the width of the Fuel Modification Area may be reduced where Fire-Resistive Construction is used. However, in no case shall the Fuel Modification Area be less than 30 feet.

If the owner fails to correct such conditions, the failure shall constitute a public nuisance and a Public Official is authorized, after the notice required by this Code, to cause the same to be abated and make the expense of such abatement a lien upon the property on which such condition exists.

8.16.240 – Defensible Space Management

Defensible Space Zones. All existing habitable buildings and structures within the City shall maintain Defensible Space in accordance with this section. A Public Official may require a property owner to take additional fuel modification measures when, in the Public Official's discretion, extreme Hazardous Vegetation conditions are present.

1. Zone Zero (0 - 5 feet from a Structure) - Ember Resistant. Within Zone Zero, Parcels shall be maintained in accordance with this section.

A. Vegetation. Vegetation shall be in accordance with the following:

- i. Ornamental and native shrubs shall be thinned, relocated, or removed to provide no more than 50 percent density and/or coverage and shall be positioned to limit plant continuity and inhibit fire progression.
- ii. Remove all dead, dying, or diseased vegetation, including on portions of live vegetation.

- iii. Maintain living / green grasses or lawns to a maximum height of 4 inches.
- iv. Maintain large shrubs and hedges exceeding 6 feet in height such that limbs are not within 4 feet of the ground or one-third of its height, whichever is less.
- v. Vines are to be limited to the Structure.
- vi. Vegetation under windows shall be kept to below 18 inches.
- vii. A Public Official may determine that less fuel modification is necessary to protect properties with more Fire-Resistive Construction, lower flammability plant species, and frequent irrigation.

B. Tree Maintenance. Tree maintenance shall be in accordance with the following:

- i. Trees shall be maintained (i.e., cleaned, thinned, limbed up) to reduce the spread of fire.
- ii. Tree branches shall have 6 feet of clearance above roofs, combustible fences, Structures, and the ground. If shrubs are located under tree branches, additional clearance equal to 3 times the height of the shrub is needed.
- iii. Dead, dying, or diseased trees shall be removed. A Public Official may require an evaluation by a licensed arborist with recommendations on removal of dying or diseased trees, the expense of which shall be an Abatement Cost.

C. Balconies, Overhangs, and Porches. The underside of balconies, overhangs, and porches shall be kept clear of Combustible Material.

D. Organic Wood Chips and Mulch. Application of organic mulch and wood chips is prohibited. Non-combustible materials such as concrete, gravel, decomposed granite, or other approved materials shall be used within this zone.

E. Firewood. Firewood shall not be stored within this zone.

- F. Chimneys. All chimneys shall have a spark arrestor. All tree branches shall be a minimum of 10 feet from chimneys, stovepipe outlets, and heater outlets.
 - G. Propane Tanks or any Fixed Fuel Tank. Dead, dying, or diseased vegetation shall be removed from within 10 feet of propane or fixed fuel tanks.
 - H. Roofs and Gutters. Maintain roof and gutters free of leaves, needles, or other vegetation.
 - I. Firefighter Access. Remove hazardous items that would hinder firefighter access to all sides of a Structure.
2. Zone One (5 - 30 feet from a Structure) - Lean, Clean, and Green Zone. Within Zone One, Parcels shall be maintained in accordance with this section.
- A. Vegetation. Vegetation shall be in accordance with the following:
 - i. Ornamental and native shrubs shall be thinned, relocated, or removed to provide no more than 50 percent density and/or coverage and shall be positioned to limit plant continuity and inhibit fire progression.
 - ii. Remove all dead, dying, or diseased vegetation, including on portions of live vegetation.
 - iii. Maintain living / green grasses or lawns to a maximum height of 4 inches.
 - iv. Maintain shrubs and hedges exceeding 6 feet in height such that limbs are not within 4 feet of the ground or one-third of its height, whichever is less.
 - v. A Public Official may determine that less fuel modification is necessary to protect properties with more Fire-Resistive Construction, lower flammability plant species, and frequent irrigation.
 - B. Tree Maintenance. Tree maintenance shall be in accordance with the following:
 - i. Trees shall be maintained (i.e., cleaned, thinned, limbed up) to reduce the spread of fire.
 - ii. Tree branches shall have 6 feet of clearance above roofs, combustible fences, Structures, and the ground. If shrubs are located under tree

branches, additional clearance equal to 3 times the height of the shrub is needed.

- iii. Dead, dying, or diseased trees shall be removed. An evaluation by a licensed arborist with recommendations on removal of dying or diseased trees may be required by a Public Official, the expense of shall be an Abatement Code.

C. Organic Wood Chips and Mulch. Organic mulch and wood chips shall be kept to a depth no greater than 3 inches.

D. Propane Tanks or any Fixed Fuel Tanks. Dead, dying, or diseased vegetation shall be removed from within 10 feet of propane tanks and fixed fuel tanks.

E. Firefighter Access. Remove hazardous items that would hinder existing firefighter access to all sides of a Structure.

3. Zone Two (30 - 100 feet from Structure) - Fuel Reduction Zone. Within Zone Two, Parcels shall be maintained in accordance with this section.

A. Vegetation. Vegetation shall be in accordance with the following:

- i. Ornamental and native shrubs shall be thinned, relocated, or removed to provide no more than 60 percent density and/or coverage and shall be positioned to limit plan continuity and inhibit fire progression.
- ii. Remove all dead, dying, or diseased vegetation, including where applicable on portions of live vegetation.
- iii. Maintain living / green grasses or lawns to a maximum height of 18 inches.
- iv. Maintain large shrubs and hedges exceeding 6 feet in height such that limbs are not within 4 feet of the ground or one-third of its height, whichever is less.
- v. A Public Official may determine that less fuel modification is necessary to protect properties with more Fire-Resistive Construction, lower flammability plant species, and frequent irrigation.

B. Tree Maintenance. Tree maintenance shall be in accordance with the following:

- i. Trees shall be maintained (i.e., cleaned, thinned, limbed up) to reduce the spread of fire.
 - ii. Tree branches shall have 6 feet of clearance above roofs, combustible fences, Structures, and the ground. If shrubs are located under tree branches, additional clearance equal to 3 times the height of the shrub is needed.
 - iii. Dead, dying, or diseased trees shall be removed. An evaluation by a licensed arborist with recommendations on removal of dying or diseased trees may be required by a Public Official, the expense of which shall be an Abatement Cost.
 - iv. All exposed wood piles shall have a minimum of 10 feet of clearance down to bare mineral soil in all directions.
- C. Organic Wood Chips and Mulch. Organic mulch and wood chips shall be kept to a depth of no greater than 3 inches.
- D. Propane Tanks or any Fixed Fuel Tanks. Dead, dying, or diseased vegetation shall be removed from within 10 feet of propane and fixed fuel tanks.
- E. Firefighter Access. Remove hazardous items that would hinder existing firefighter access to all sides of a Structure.

8.16.250 – Defensible Space Maintenance on Parcels Adjacent to Improved Parcels and Along Emergency Access, Evacuation Routes, and Fire Access Ways

These standards apply when the Defensible Space surrounding a Structure on an Improved Parcel extends into an adjacent Parcel, and when Defensible Space must be maintained along emergency and fire access ways and evacuation routes.

1. Hazardous Vegetation and Combustible Materials within 100 feet of a Structure (or greater as determined by a Public Official) or along roadways that serve as primary ingress and egress routes, are hereby declared to be a public nuisance that may be abated in accordance with this Article, and by any other means available by law.
2. It shall be the duty of Responsible Parties as to any Parcel to abate therefrom, and from all sidewalks and roadways on or immediately adjacent thereto (except for

those roads accepted into the City or County maintained system), all Combustible Material and Hazardous Vegetation which constitute a fire hazard and public nuisance which may endanger or damage neighboring property or forestland.

3. The requirements of this section shall be satisfied if the Parcel and all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into the City or County maintained system) are cleared in accordance with a Notice to Abate by cutting brush, trimming trees, thinning trees, disking, mowing, plowing or any other method described in a Notice to Abate, or, if no Notice to Abate is issued, by removing all Hazardous Vegetation and Combustible Materials as follows:
 - A. Maintain a Defensible Space of 100 feet from each side and from the front and rear of a Structure, but not beyond the property line except as provided by law. The amount of fuel modification necessary may be based upon the flammability of the Structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained so that a wildfire under average weather conditions would be unlikely to ignite the Structure. The intensity of fuels management may vary within the 100 foot perimeter of a Structure, the most intense being with the first 30 feet around a Structure. Consistent with fuels management objectives, steps shall be taken to minimize erosion;
 - B. Maintain a 100 foot wide area of land around Structure(s) located on an adjacent Improved Parcel (some or all of this Defensible Space requirement may be required on an adjacent Parcel depending upon the location of the Structure on the Improved Parcel);
 - C. Maintain free of Ladder Fuels a minimum of a 10 foot wide strip of land beyond the shoulder of a roadway serving as primary ingress and egress to the parcel, to a height of 15 feet along the boundary of a Parcel;
 - D. Vines must be removed from trees and Structures within the 100 foot defensible space zone around Structure(s);
 - E. Maintain the Parcel free of Ladder Fuels within the 100 foot Defensible Space area around Structure(s).
4. A Public Official may mandate additional fuels management of an area more or less than the above-referenced widths or height on a Parcel and all sidewalks and roadways on or immediately adjacent thereto (except for those roads accepted into

the City or County maintained system), for the protection of public health, safety or welfare or the environment if the Public Official finds that the additional fuels management is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite a Structure, and there is no other feasible mitigation measure to reduce the risk of ignition or spread of wildfire to a Structure on an Improved Parcel. The Public Official shall determine appropriate defensible space distances based upon a visual inspection of the Parcel and shall consider all factors that place the Structure(s) on the adjacent Improved Parcel at risk from an approaching fire. These factors shall include, but are not limited to, local weather conditions, fuel type(s), topography, and the environment of the adjacent parcel or the Structure(s).

5. When an occupied Structure is less than 100 feet from a property line and Combustible Material or Hazardous Vegetation on an adjacent parcel presents a fire hazard to the occupied Structure, the owner of the parcel on which the fire hazard exists shall be responsible for clearing that owner's land within 100 feet of the occupied Structure and as needed to provide the necessary fire protection in the manner and to the extent required by a Public Official pursuant to this Article.
6. When the terrain, condition or environment on an adjacent Parcel is such that it cannot or should not be disked or mowed, a Public Official may require, or authorize, other means of Hazardous Vegetation or Combustible Material removal.
7. No Responsible Party may allow 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 a private access road. If a Public Official determines vegetation would interfere with street or emergency vehicle access, the Public Official may provide written notice to a Responsible Party requiring vegetation to be trimmed for a specified additional distance.
 - A. If a Responsible Party fails to maintain these clearance requirements, a Public Official may abate this nuisance without further notice and at the Parcel owner's expense.
 - B. 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.
 - C. A Public Official may summarily abate weeds or hazardous growth on private property that in any way hinders emergency access and may charge the Parcel

owner for the costs of the abatement pursuant to Government Code section 39561 et seq.

8.16.260 – Open Burning

It shall be unlawful for any person to ignite, permit, or maintain an open fire within the city limits of the City of Grass Valley.

This prohibition is not intended to prohibit fires in Approved Warming Devices, as defined in Section 8.16.220, or devices used for cooking such as barbeques that are located on property that the individual using such device has legal authority to occupy.

8.16.270 – Authorized Burning

1. Training Burns. Fire Department training burns may be permitted with the prior written approval of the Chief of the Fire Department or an authorized representative and Northern Sierra Air Quality Management District.
2. Special Permits. The Fire Marshal of the Fire Department or an authorized representative may issue special permits to authorize burning for the health and safety of the public.
3. Special Permit. The Fire Marshal of the Fire Department or an authorized representative may issue special permits to authorize burning for professional entertainment purposes.
4. Special Permit. The Fire Marshal of the Fire Department or an authorized representative may issue special permits to authorize burning for ceremonial purposes.
5. Burning may be permitted in improved designated areas, including, but not limited to, city-provided fire pits or barbeques in parks and other public areas.

8.16.280 – Fire Protection Requirements

To provide and maintain fire protection during the use of Approved Warming Devices or during authorized special permit burning, the following shall be required:

1. During use/operation an area within 10 feet of the device shall be free and clear of Hazardous Vegetation, refuse piles, and/or Combustible Materials. R
2. Responsible person, 18 years of age or older, in attendance with shovel until fire is dead out.
3. Water hose connected to an operational water supply shall be present at use/operation site.
4. Operation site shall be within 250' of an operational fire hydrant.

5. Operation site shall be within one 150' of a California Fire Code compliant fire access road.

Exception: Special permit ceremonial operations only. If an operational water supply is not present the Fire Marshal of the Fire Department or an authorized representative will determine an appropriate alternative method of fire protection.

8.16.290 – Fireworks Prohibitions

The sale, use, and discharge of fireworks, including, but not limited to, safe and sane fireworks, is prohibited within the City. It shall be unlawful for any person to sell, offer for sale, purchase, discharge or otherwise use fireworks within the City except as provided in this Article.

8.16.300 – Fireworks Exceptions

1. Nothing in this Article shall be construed as prohibiting the sale, use, or discharge of any of the following: torpedoes, flares, or fuses by railroad or other transportation or law enforcement agencies for signal purposes; blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonies or demonstrations; fireworks by permittees having a permit as hereinafter provided; agricultural and wildlife fireworks as defined in California Health and Safety Code section 12503; or to those subjects identified in subsections (a) through (d) of California Health and Safety Code section 12540.
2. Public displays of fireworks may be conducted by permit granted pursuant to section 982 of Title 19 of the California Code of Regulations.

8.16.310 – Enforcement Primary Authority

A Public Official is may apply any provisions of this Code to correct violations of this Article.

8.16.320 – Authority to Inspect

Whenever a Public Official has cause to believe that there exists, or may exist, in or upon any premises any condition that constitutes a violation of this Article, the Public Official may, with the permission of a Responsible Party, enter such premises at all reasonable times to inspect the premises related to enforcement of this Article. If a Responsible Party refuses to allow the Public Official to enter, that Public Official may

seek assistance from any court of competent jurisdiction in obtaining such entry pursuant to California Code of Civil Procedure section 1822.50–1822.60.

8.16.330 – Authority to Inspect Property and Request Records

Whenever a Public Official has reasonable cause to believe that there exists or may exist on any premises any condition which constitutes a violation of this Article, the Public Official is empowered to request a Responsible Party to provide records, such as but not limited to, site plans, connection agreements, operations and maintenance records, documentation of waste disposal, etc., as necessary to determine compliance with this Article.

8.16.340 – Enforcement and Administration

A Responsible Party shall be subject to administrative, civil, or criminal liability as provided in this Code. When relying on this Article or Chapters 8.36 or 9.28 of this Code, the City shall adhere to all procedures set forth in Chapters 1.10 through 1.15 of this Code, including, but not limited to the procedures for notice, service requirements, hearings, appeals, citations and fines.

8.16.350 – Public Nuisance Abatement

Violation of any provision of this Article is hereby declared to be a public nuisance. The fire Chief may, in addition to other authorized procedures set forth in this Article, take action to abate such public nuisance pursuant to Chapters 9.28 and 1.10 through 1.15 of this Code.

8.16.360 – Civil Actions

In addition to any other remedies provided in this Article, any violation of this Article may be enforced by civil action brought in the name of the City. In any such action, the City may seek, as appropriate and allowed by law, one or more of the following remedies:

1. A temporary restraining order, preliminary, or permanent injunction;
2. Reimbursement of costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing action under this section;

3. Abatement Costs include those incurred in removing, correcting, or terminating the adverse effect(s) of a violation;
4. Compensatory damages for loss or destruction of City property. Costs and damages under this subsection shall be paid to the City and shall be used exclusively for costs associated with enforcing this Article.

8.16.370 – Criminal Actions

Any person violating any of the provisions of this Article shall be guilty of an infraction with fines pursuant to Government Code section 36900. Each day such violation is committed or permitted to continue constitutes a separate offense and is punishable as such. A person's third violation of this Article in any 12-month period shall be punishable as a misdemeanor unless the prosecutor determines the interests of justice are served by prosecuting it as an infraction.

8.16.380 – Non-Exclusive Remedies

Every remedy available for the enforcement of this Article shall be non-exclusive, and it shall be within the discretion of the City to seek cumulative remedies. Moreover, the remedies available to the City pursuant to this Article shall not limit the right of the City to seek any other remedy that may be available at law or in equity.

8.16.390 – Authority to Promulgate Reasonable Rules and Regulations

The City Manager is authorized to adopt reasonable rules, regulations, and procedures consistent with this Article to enforce, interpret, and carry out this Article. Such rules, regulations and procedures may vary between different areas within the City.

8.16.400 – No Duty to Enforce

Nothing in this Article shall be construed as imposing on a Public Official or the City any duty to issue a Notice to Abate, nor to abate any Hazardous Vegetation or Combustible Material within a Parcel's Defensible Space, nor to take any other action with regard to any unlawful Hazardous Vegetation, Combustible Material, Defensible Space, Fuel Modification Area, burning, or fireworks. Neither a Public Official nor the City shall be held liable for failure to issue a Notice to Abate any unlawful Hazardous Vegetation, Combustible Material, Defensible Space, or Fuel Modification Area, nor for failure to abate any unlawful Hazardous Vegetation, Combustible Material, Defensible Space, or Fuel Modification Area, nor for failure to take any other action with regard to

any unlawful Hazardous Vegetation, Combustible Material, Defensible Space, Fuel Modification Area, burning, or fireworks.