

## **EXHIBIT A**

### **Chapter 8.16 – FIRE CONTROL REGULATIONS**

#### **ARTICLE II – FIRE REGULATIONS**

##### **8.16.200 – Definitions**

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

“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.

“Combustible material” means rubbish, litter, or material of any kind other than hazardous vegetation, that is combustible and endangers the public safety by creating a fire hazard as determined by the Fire Code Official.

“Defensible space” means (i) for improved parcels, the areas, including Zone 0, Zone 1, and Zone 2, extending 100 feet from any structure, but not beyond a parcel’s property line; and (ii) for unimproved parcels, the areas extending 30 to 100 feet inward from the parcel’s property line or abutting public right-of-way or fire apparatus access road, as applicable.

“Fireworks” and “safe and sane fireworks” have the meanings ascribed to them in Sections 12500 et seq. of the California Health and Safety Code.

“Fire apparatus access road” means a road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term that includes, but is not limited to, a fire lane, public street, public right of way, private street, driveway, parking lot lane, or access road.

“Fire Code Official” means the Fire Chief or their duly authorized representative(s).

“Fire hazard” means any condition, arrangement, or act that will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire, or that may obstruct, delay, or hinder, or may become the cause of obstruction, delay, or hindrance, to the prevention, suppression, or extinguishment of fire.

“Fire season” means the first day of May through the thirty-first day of December.

“Ladder fuel” means fuel that provides vertical continuity between surface fuel and canopy fuel strata, increasing the likelihood that fire will carry from surface fuel into the crowns of shrubs and trees.

“Hazardous vegetation” means vegetation that is combustible and endangers the public safety by creating a fire hazard, including but not limited to bark, mulch, seasonal and recurrent grasses,

weeds, stubble, non-irrigated brush, dry leaves, dry needles, dead, dying, and diseased trees, or any other vegetation identified by the Fire Code Official.

“Local Responsibility Area” means an area of the state that is not a State Responsibility Area or federal property, and where the financial responsibility for preventing and suppressing fires is primarily the responsibility of the city, town, county, city and county, district, or other local public agency.

“Outbuilding” means buildings that are less than 120 square feet in size and are not used for human habitation, and buildings with a roof but no walls.

“Parcel” means a portion of real property of any size which may be identified by an Assessor's Parcel Number, the area of which is determined by the legal lot of record. An “improved parcel” means a parcel containing a structure. An “unimproved parcel” means a parcel that does not contain a structure.

“Refuse piles” means accumulations of flammable vegetation and/or combustible materials, rubbish and/or scrap materials, including, but not limited to, wastepaper, wood, straw/hay, litter, or other flammable or combustible waste.

“State Responsibility Area” means an area of the state identified by the Board of Forestry and Fire Protection pursuant to Public Resources Code Section 4125 where the financial responsibility for preventing and suppressing fires is primarily the responsibility of the state.

“Structure” means a building that has walls and a roof and an area of 120 square feet or greater.

“Zone 0” means the area extending from 0 to 5 feet from any structure, attached deck, or outbuilding on a parcel, referred to as the “Ember-Resistant Zone” or “Home Ignition Zone.” Zone 0 requires the most stringent wildfire fuel reduction. This Zone is designed to ensure that fire or embers from igniting materials cannot spread to the structure.

“Zone 1” means the area extending from 5 to 30 feet from any structure or attached deck, or from 5 feet from the structure or attached deck to the parcel’s property line, whichever is closer. This Zone is referred to as the “Lean, Clean, and Green Zone.”

“Zone 2” means the area extending from 30 to 100 feet from any structure or attached deck, or from 30 feet from the structure or attached deck to the parcel’s property line, whichever is closer. This Zone is referred to as the “Reduced Fuel Zone.”

#### **8.16.220 – Fuel Mitigation Requirements**

1. Prohibition. No person who has any ownership or possessory interest in or control of a Parcel within the City shall allow to exist thereon any hazardous vegetation or combustible material that constitutes a fire hazard as determined by the Fire Code Official.

2. Defensible Space for Structures and Attached Decks. All persons who have any ownership or possessory interest in or control of any parcel within the City shall maintain defensible space adjacent to all structures and attached decks on the parcel as follows:

A. Zone 0.

- i. Maintain all ground areas within 2 feet of any structure or attached deck free of combustible ground cover, including combustible mulch and bark. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible mulch materials are permitted.
  - i. Notwithstanding the foregoing, ornamental vegetative fuels or cultivated ground cover that are irrigated or have a high moisture content, such as green grass, ivy, succulents or similar plants used a ground cover are allowed if, in the opinion of the Fire Code Official, they do not form a means of readily transmitting fire.
- ii. All native and nonnative plant species within 2 feet of a structure or attached deck must be maintained such that foliage, twigs, and branches create a minimum 1 foot clearance above the ground or the ground cover.
- iii. Remove all hazardous vegetation and combustible material capable of being ignited and endangering the structure or attached deck as determined by the Fire Code Official.
- iv. Annual grasses, which are not permitted within 2 feet of a structure or attached deck must be removed or cut to less than 4 inches no later than May 1<sup>st</sup> of each year and throughout the fire season.
- v. Maintain 6 feet of vertical clearance between branches and all other parts of trees overhanging the roof or other portion of any structure or attached deck.
- vi. Maintain any tree, shrub, or other plant adjacent to or overhanging any structure or attached deck free of branches, dead limbs, or other combustible material.
- vii. Maintain the roof and roof gutters of any structure, and the surface of any attached deck free of leaves, needles, hazardous vegetation, and combustible materials.
- viii. Maintain trees to remove ladder fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.
- ix. Remove all branches within 10 feet of any chimney or stovepipe outlet.
- x. Storage of firewood, lumber, or other combustible material is not permitted.
- xi. Non-irrigated brush is not permitted.

B. Zone 1.

- i. Remove all hazardous vegetation and combustible material capable of being ignited and endangering the structure as determined by the Fire Code Official.
- ii. Annual grasses must be removed or cut to less than 4 inches no later than May 1<sup>st</sup> of each year and throughout the fire season.
- iii. Organic mulch and wood chips shall be kept to a depth of no greater than three (3) inches.
- iv. Maintain trees to remove ladder fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.
- v. Non-irrigated brush is not permitted.

- vi. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any structure.
- vii. The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet.
- viii. Liquid Propane Gas (LPG) storage tanks, outbuildings, firewood, lumber, and other combustible material shall be surrounded by 10 feet of bare mineral soil and no hazardous vegetation is permitted within 20 feet of LPG storage tanks, outbuildings, firewood, lumber, or other combustible Material.

C. Zone 2.

- i. Remove all hazardous vegetation and combustible material capable of being ignited and endangering the structure as determined by the Fire Code Official.
- ii. Annual grasses must be removed or cut to less than 4 inches no later than May 1<sup>st</sup> of each year and throughout the fire season.
- iii. Organic mulch and wood chips shall be kept to a depth of no greater than three (3) inches.
- iv. Maintain trees to remove ladder fuels so that foliage, twigs, or branches are greater than 6 feet above the ground.
- v. Non-irrigated brush is not permitted.
- vi. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any Structure.
- vii. The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet.
- viii. Any structure or covering over a pile of lumber or firewood must be constructed or made of fire-resistant material.
- ix. Liquid Propane Gas (LPG) storage tanks, outbuildings, firewood, lumber, and other combustible material shall be surrounded by 10 feet of bare mineral soil and no hazardous vegetation is permitted within 20 feet of LPG storage tanks, outbuildings, firewood, lumber, or other combustible material.

D. Defensible Space for Outbuildings. Any and all persons who have any ownership or possessory interest in or control of any parcel within the City shall comply with the Zone 0 Defensible Space requirements set forth herein with respect to any outbuildings on the parcel that are within 100 feet of a structure or attached deck on the parcel.

3. Roadside Vegetation. All persons who have any ownership or possessory interest in or control of any parcel within the City that abuts a fire apparatus access road shall:

A. Remove all hazardous vegetation that is within 3 feet, measured horizontally, from the paved edge of the fire apparatus access road.

B. Ensure that all portions of any tree overhanging a fire apparatus access road has at least 15 feet, measured vertically, of clearance from the roadway surface.

4. Unimproved Parcels: Any and all persons who have any ownership or possessory interest in or control of any unimproved parcel within the City shall maintain unimproved parcels as follows:

A. Less Than One Acre:

- i. The entire parcel shall be mowed and/or cleared so that hazardous vegetation does not exceed four inches in height above mineral soil by no later than May 1<sup>st</sup> of each year and throughout the fire season.
- ii. Organic mulch and wood chips shall be kept to a depth of no greater than three (3) inches.
- iii. The entire parcel shall be free of refuse piles.
- iv. Maintain trees to remove ladder fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.
- v. Dead, dying, or diseased trees shall be removed. An evaluation by a licensed arborist with recommendations on removal of dying or diseased trees shall be required by the City prior to removal.
- vi. All waste material that is the result of vegetation management work shall be chipped and spread or hauled off site. Burning of waste material is prohibited.

B. One to Five Acres:

- i. A 30 foot area of defensible space shall be maintained around the boundary of the parcel in compliance with the following standards:
  - i. Groundcover.
    1. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible mulch materials are permitted.
    2. Organic mulch and wood chips shall be kept to a depth of no greater than three (3) inches. All other combustible ground cover is prohibited.
    3. Notwithstanding the foregoing, ornamental vegetative fuels or cultivated ground cover that are irrigated or have a high moisture content, such as green grass, ivy, succulents or similar plants used as ground cover are allowed if, in the opinion of the Fire Code Official, they do not form a means of readily transmitting fire.
  - ii. All native and nonnative plant species must be maintained such that foliage, twigs, and branches create a minimum 1 foot clearance above the ground or the ground cover.
  - iii. Remove all hazardous vegetation and combustible material capable of being ignited as determined by the Fire Code Official.
  - iv. Annual grasses must be removed or cut to less than 4 inches by no later than May 1<sup>st</sup> of each year and throughout the fire season.
  - v. Maintain any tree, shrub, or other plant free of branches, dead limbs, or other combustible material.
  - vi. Maintain trees to remove ladder fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.
  - vii. Storage of firewood, lumber, or other combustible material is not permitted.
  - viii. Non-irrigated brush is not permitted.
- ii. The 30 foot area of defensible space shall be measured inward from the parcel's property line or abutting public right-of-way, as applicable. Where a vacant parcel

abuts or contains a right-of-way or fire apparatus access road, the 30 foot area of defensible space shall be maintained from the edge of any sidewalk or, if there is no sidewalk, the street line.

- iii. All waste material that is the result of vegetation management work shall be chipped and spread or hauled off site. Burning of waste material is prohibited.

C. Greater than Five Acres:

- i. A 100 foot area of defensible space shall be maintained around the entire parcel in compliance with the following standards:

- i. Groundcover.

- 1. Hardscape materials, such as gravel, pavers, concrete, and other noncombustible mulch materials are permitted.
    - 2. Organic mulch and wood chips shall be kept to a depth of no greater than three (3) inches. All other combustible ground cover is prohibited.
    - 3. Notwithstanding the foregoing, ornamental vegetative fuels or cultivated ground cover that are irrigated or have a high moisture content, such as green grass, ivy, succulents or similar plants used as ground cover are allowed if, in the opinion of the Fire Code Official, they do not form a means of readily transmitting fire

- ii. All native and nonnative plant species must be maintained such that foliage, twigs, and branches create a minimum 1 foot clearance above the ground or the ground cover.

- iii. Remove all hazardous vegetation and combustible material capable of being ignited as determined by the Fire Code Official.

- iv. Annual grasses must be removed or cut to less than 4 inches by no later than May 1<sup>st</sup> of each year and throughout the fire season.

- v. Maintain any tree, shrub, or other plant free of branches, dead limbs, or other combustible material.

- vi. Maintain trees to remove ladder fuels so that foliage, twigs, or branches are greater than 6 feet above the ground or surface fuels.

- vii. Storage of firewood, lumber, or other combustible material is not permitted.

- viii. Non-irrigated brush is not permitted.

- ii. The 100 foot area of defensible space shall be measured inward from the parcel's property line or abutting public right-of-way, as applicable. Where a vacant parcel abuts or contains a right-of-way or fire apparatus access road, the 100 foot area of defensible space shall be maintained from the edge of any sidewalk or, if there is no sidewalk, the street line.

- iii. All waste material that is the result of vegetation management work shall be chipped and spread or hauled off site. Burning of waste material is prohibited.

- 5. Additional Management. The Fire Code 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 for the protection of public health, safety or

welfare or the environment if the Fire Code 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 a parcel. The Fire Code 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 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 parcel or the structure(s).

6. **Conflicting Requirements.** If any portion of any parcel is subject to overlapping or conflicting local, state, or federal, requirements, the more restrictive requirements, as determined by the Fire Code Official, shall apply.
7. **Modifications.** Compliance with the fuel mitigation requirements of this Article shall not result in the taking of endangered, rare, or threatened plant or animal species, significant erosion, or sedimentation of surface waters. When these or other conditions make it impractical to comply with the fuel mitigation requirements, the person who owns, leases, or controls the parcel(s) shall request that the Fire Code Official grant a modification of the requirements. The Fire Code Official shall have the authority to grant modifications for individual cases, provided that the Fire Code Official shall first make written findings that special individual reasons make the strict letter of this Article impractical and that the modification is in compliance with the intent and purpose of this Article.

#### **8.16.230 – Sale or Transfer of Property**

In accordance with Civ. Code, § 1102.19, as it may be amended from time to time, a seller shall, before the close of escrow on the sale of any parcel within the City, provide to the buyer documentation from the Fire Code Official stating that the parcel is currently in compliance with local vegetation management requirements. The Fire Code Official shall have the discretion to accept alternate means and measures to achieve compliance if completion of the required work will delay the sale or transfer of the parcel. If the seller of a parcel has not obtained documentation of compliance in accordance herewith, the seller and the buyer shall enter into a written agreement pursuant to which the buyer agrees to obtain documentation of compliance.

#### **8.16.240 – 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 device in accordance with Section 8.16.260, or devices used for cooking such as barbeques that are located on property that the individual using such device has legal authority to occupy, including but not limited to City-provided fire pits or barbeques in parks and other public areas.

#### **8.16.250 – Authorized Burning**

1. **Training Burns.** Fire Department training burns may be permitted with the prior written approval of the Fire Code Official or an authorized representative and Northern Sierra Air Quality Management District.

2. Special Permits. The Fire Code Official may issue special permits to authorize burning for the health and safety of the public, professional entertainment purposes, or ceremonial purposes.

#### **8.16.260 – 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 and/or combustible materials.
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 150' of a California Fire Code compliant fire apparatus access road.

#### **8.16.270 – 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.

#### **8.16.280 – 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.

#### **8.16.290 – Authority to Inspect**

Whenever the Fire Code Official has cause to believe that there exists, or may exist, in or upon any parcel any condition that constitutes a violation of this Article, the Fire Code Official may, with the permission of the parcel's owner, enter such parcel at all reasonable times to inspect the parcel related to enforcement of this Article. If an owner refuses to allow the Fire Code Official to enter, the Fire Code Official may seek assistance from any court of competent jurisdiction in obtaining such entry pursuant to California Code of Civil Procedure sections 1822.50–1822.60.

#### **8.16.300 – Authority to Inspect Property and Request Records**



Whenever the Fire Code Official has reasonable cause to believe that there exists or may exist on any parcel any condition which constitutes a violation of this Article, the Fire Code Official is empowered to request a person having an ownership or possessory interest in the parcel 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.

#### **8.16.310 – Enforcement and Administration**

Any person having an ownership or possessory interest in a parcel that is in non-compliance with this Article shall be subject to administrative, civil, or criminal liability as provided in this Code. When relying on this Article, 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.

#### **8.16.320 – Public Nuisance Abatement**

Violation of any provision of this Article is hereby declared to be a public nuisance. The Fire Code Official 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.

#### **8.16.330 – 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.

#### **8.16.340 – Criminal Actions**

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor punishable under [Chapter 1.12](#) of this Code, unless the prosecutor determines the interests of justice are served by prosecuting it as an infraction. Each separate day or any portion thereof during

which any violation occurs or continues is a separate offense. The application of the aforementioned penalty shall not be held to prevent the enforced removal of the prohibited conditions.

#### **8.16.350 – 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.

#### **8.16.360 – 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.

#### **8.16.370 – No Duty to Enforce**

Nothing in this Article shall be construed as imposing on the Fire Code Official or the City any duty to issue a Notice to Abate, nor to abate any hazardous vegetation or combustible material, nor to take any other action with regard to any unlawful hazardous vegetation, combustible material, defensible space, burning, or fireworks. Neither the Fire Code Official nor the City shall be held liable for failure to issue a Notice to Abate any unlawful hazardous vegetation, combustible material, defensible space, burning, or fireworks, nor for failure to abate any unlawful hazardous vegetation, combustible material, defensible space, burning, or fireworks, nor for failure to take any other action with regard to any unlawful hazardous vegetation, combustible material, defensible space, burning, or fireworks.