

## **DRAFT ORDINANCE**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING REVISED CAL FIRE REQUIREMENTS FOR LOCAL RESPONSIBILITY AREA FIRE HAZARD SEVERITY ZONES.**

**WHEREAS**, the State's Government Code Section 51178 requires the local agency to designate moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 of receiving recommendations from the State Fire Marshal; and

**WHEREAS**, the local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area; and

**WHEREAS**, the local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively; and

**WHEREAS**, the local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion, may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency; and

**WHEREAS**, the local agency shall transmit a copy of an adopted ordinance to the State Board of Forestry and Fire Protection within 30 days of adoption.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Los Gatos as follows:

#### **SECTION I.**

The Local Responsibility Area Fire Hazard Severity Zones Map (Exhibit A) as designated by the Office of the State Fire Marshal is hereby adopted and designated as the map delineating fire hazard severity zones for the Town of Los Gatos.

#### **SECTION II. Severability.**

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section

irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

**SECTION III. CEQA.**

Adoption of this ordinance is a ministerial action which is exempt pursuant to CEQA, Section 15268 in that it is required by the State.

**SECTION IV. Publication.**

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its adoption. The Town Council hereby directs the Town Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

**SECTION V. Effective Date.**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 3<sup>rd</sup> day of June 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 17<sup>th</sup> day of June 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

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MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

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TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA