

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3 CHAPTER 3, SECTIONS 2
AND 3 OF THE PLACERVILLE CITY CODE REGULATING OPEN
FIRES/BURNING IN THE CITY OF PLACERVILLE**

TITLE 3, CHAPTER 3, SECTIONS 2 AND 3 ARE HEREBY AMENDED AND THE CITY COUNCIL OF THE CITY OF PLACERVILLE DOES ORDAIN, as follows:

SECTION 1: Intent

It is the intent of the City Council that this Amendment shall apply to the abatement of hazardous open fires and the open burning of combustible material on unimproved and improved parcels.

SECTION 2: FINDINGS

The City Council makes the following findings:

- (a) The City of Placerville has a climate conducive to wildfires with periodic dry seasons and wind events. Many of the city's native and non-native plant species can be highly flammable during normal dry periods. Increasingly dry summers and severe wind events further exacerbate the fire danger and have the potential to result in catastrophic fire losses to life, property and the environment; and
- (b) Of paramount importance to the City Council and the citizens of Placerville is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires; and
- (c) The City's difficult topography and terrain exacerbate the fire danger and the difficulty of fighting wildfires, and can result in catastrophic fire losses to life, property and the environment; and
- (d) Sparks and embers from open fires and open burning pose a significant fire danger and threat to the safety of the citizens of Placerville and their property; and
- (e) The City is experiencing a substantial increase in open fires particularly on land not owned or controlled by the person(s) starting the fires.
- (f) The City's current ordinance restricting open burning and open fires does not adequately address the issue of open fires and open burning on property not owned or controlled by the person conducting such burning and further allows for open fires and burning from 6:00 pm to midnight when fires can often escape their confines, go unnoticed and spread unchecked; and
- (g) The City is currently in the midst of fire season which can often continue until late fall and there is an urgent and immediate need for adequate restrictions on open fires and open burning in order to reduce the potential of a catastrophic fire; and
- (h) The City Council finds and declares that there is a current and immediate threat to the public peace, health, welfare, and safety, specifically the increased threat of a wildfire from open fires and open burning.

Section 3 Regulations

3-3-2: OPEN FIRES:

(a) No person shall ignite, set fire to or burn in the open air in any open, exposed or outdoor fire, any rubbish, paper, shavings, boxes, cardboard, construction lumber, plywood, trimmings, grass, litter or other combustible waste materials or substance, except hazardous vegetation, at any time.

(b) It shall be unlawful for any person to ignite, permit, or maintain an open fire within the city limits of the City of Placerville after the time when burning is declared prohibited by Cal Fire, until the date Cal Fire declares, by proclamation, that the hazardous fire conditions have abated for that year, (usually after rainfall sufficient for thorough wetting of vegetation), or at any other time during any year when unusual fire hazard conditions exist in the City as determined by the Fire Chief. The fire chief may issue special permits for burning if, in his opinion, the circumstances warrant.

(c) During the season when residential burning is permitted, after fire conditions have abated for that year, and before open burning is prohibited in the next year, the following regulations shall apply:

- (1) All open burning within the City of Placerville shall be subject to El Dorado County Air Quality Management District declarations of a "Permissive Burn Day" on any day proposed for open burning.
- (2) All open burning within the City of Placerville shall be subject to the burn permit requirements of the El Dorado County Air Quality Management District and the El Dorado County Fire District or Cal Fire.
- (3) Any open burning shall be at all times under competent and continuous supervision and not within ten feet (10') of any building or structure. All flammable or combustible materials shall be cleaned away from any hedge, ornamental shrub or tree for such distance as may be necessary to safeguard the same from scorching, or igniting or burning, but in no case less than ten feet (10') therefrom.
- (4) It shall be unlawful for any person to ignite, permit or maintain an open fire within the City of Placerville at any time, without the prior, written consent of the landowner or their agent.
- (5) Any violation of this ordinance shall be deemed to be a misdemeanor.

3-3-3: FIRES IN OUTSIDE PITTS OR GRILLS:

A. The prohibition in 3-3-2 is not intended to prohibit outdoor fires within habited premises, developed recreational areas or City Parks where the following conditions are met:

- (1) Fire is built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill located on property that the individual using such device has the legal authority to occupy; and
- (2) Fire is a minimum of fifteen feet from any grass, grain, brush or forest covered area; and
- (3) Competent and continuous supervision is present at all times capable of tending such fire.
- (4) All fires and coals in fireplaces, pits or grills shall be thoroughly extinguished after the use thereof has been completed

(5) No person shall use any permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

B. Any violation of this ordinance shall be deemed to be a misdemeanor.

SECTION 4: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason 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. The City Council of the City of Placerville hereby declares that it would have adopted this Ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 5: CEQA

The City Council finds and determines that this Ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act ("CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment in that this Ordinance simply clarifies existing local regulations.

INTRODUCED by Council Member _____ and ADOPTED at a regular meeting of the City Council held on the 13th day of August 2019 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Mark A. Acuna

ATTEST:

Regina O'Connell, City Clerk