

ORDINANCE NO. 1467

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING SECTIONS 8.36.030, 8.36.070,
AND 8.36.080 OF NAPA COUNTY CODE CHAPTER 8.36 (FIRE
PROTECTION – FIRE HAZARD ABATEMENT)**

WHEREAS, On May 22, 2007, the Board of Supervisors of Napa County (“Board”) adopted Ordinance Number 1290 adding Chapter 8.36 to the Napa County Code, which established requirements for abatement of nuisances that create fire hazards around structures; and

WHEREAS, on July 23, 2019, Chapter 8.36 was last amended by Ordinance 1443; and

WHEREAS, it is of paramount importance to protect lives and property from the threat of wildfire; and

WHEREAS, the Napa County Board of Supervisors now wishes to amend portions of Chapter 8.36 in order to improve the effectiveness of those Code provisions, and to enhance the protection and safety of Napa County citizens, their property, and first responders.

NOW, THEREFORE, the Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. Section 8.36.030 is hereby amended to read in in full as follows:

8.36.030 – Definitions.

"Combustible vegetation" means material that in its natural state will readily ignite, burn, and transmit fire to any structure or other vegetation. Combustible vegetation includes, but is not limited to, dry grass, brush, weeds, dead or dying trees, litter, or other flammable vegetation that create a fire hazard.

"Defensible space" means the area around a structure within a 100-foot radius or to the property line, whichever is less, in which combustible vegetation and other prohibited materials must be treated, cleared, or reduced to slow the spread of fire to and from the structure. **Distances may be increased by the enforcement officer based on site-specific analysis of local conditions.**

"Defensible space guidelines" means the Napa County Defensible Space Guidelines promulgated by Napa County and the California Department of Forestry and Fire Protection. The Defensible Space Guidelines were adopted to establish minimum requirements for fuel treatments and for measures to ensure compliance with the requirements of this chapter and the obligations of property owners. In the event of any conflict between the provisions of this chapter and the Defensible Space Guidelines, the provisions of this chapter shall control.

"Ember Resistant Zone" means a noncombustible zone within 5 feet of a structure, using non-flammable landscaping materials and/or approved high-moisture-content annuals and perennials.

"Enforcement officer" means the fire marshal, assistant fire marshal, **code enforcement officer**, engine company officer, fire inspector of the county, or any person designated by the fire chief to enforce this chapter. In the case of enforcement by a fire district, "enforcement officer" means the fire chief of the fire district.

"Fire hazard" shall mean any condition, arrangement, act, or omission that:

1. Increases, or may cause an increased risk 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
2. May obstruct, delay, hinder, or interfere with the operations of a fire department or the egress of occupants in the event of fire.

"Green waste" means and includes, but is not limited to, organic material such as tree and shrub trimmings, grass clippings, plant waste, leaves, untreated wood wastes, paper products, natural fiber products, mulch, and compost, but does not include growing plants.

"Parcel" means any contiguous quantity of land in the possession of, owned by, or recorded as the property of, the same person or entity, and which is located in the unincorporated area of Napa County.

"Prohibited materials" means combustible vegetation, green waste, rubbish, or weeds.

"Rubbish" means and includes, without limitation, all the following types of waste: paper, cardboard, wood, bedding, rubber tires, construction waste, and similar waste materials.

"Structure" means any constructed building or improvement used for shelter, support, or any other use or occupancy.

"Weeds" means and includes any of the following:

1. Weeds that bear seeds of a downy or wingy nature;
2. Sagebrush, chaparral, and any other brush or weeds that attain such hard growth as to become, when dry, a fire hazard;
3. Weeds and grasses that are otherwise noxious;
4. Poison oak when the conditions of growth are such as to constitute a menace to the public health; or
5. Dry grass, stubble, brush, litter, or other flammable plant material that endangers the public safety by creating a fire hazard.

SECTION 2. Section 8.36.070 is hereby added to read in full as follows:

8.36.070 – Ember resistance zone.

For all new construction where construction commences on or after the effective date of this section, the establishment and maintenance of an ember resistant zone within 5 feet of a structure is required. Distances may be increased by the enforcement officer based on site-specific

analysis of local conditions.

SECTION 3. Section 8.36.080 is hereby amended to read in in full as follows:

8.36.080 – Adjacent property owner’s responsibilities.

When a structure is less than one hundred feet from a property line and prohibited materials on an adjacent parcel present a fire hazard for the structure, the property owner of the adjacent parcel where the fire hazard exists shall be responsible for clearing the area on that owner's parcel that is within one hundred feet of the structure, so as to provide the necessary fire protection in the manner and to the extent required by the Napa County Defensible Space Guidelines. Distances may be increased by the enforcement officer based on site-specific analysis of local conditions.

SECTION 4. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the ____ day of _____2021, and passed at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the ____ day of _____ 2021, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the
State of California

ALFREDO PEDROZA, Chair of the
Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>Shana A. Bagley (e-sign)</u> Deputy County Counsel By: <u>Meredith Trueblood (e-sign)</u> County Code Services Date: <u>April 9, 2021</u>	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ Deputy Clerk of the Board	ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors By: _____
---	--	--

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE
OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING,
1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____,
DEPUTY JOSE LUIS VALDEZ, CLERK
OF THE BOARD