



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN URGENCY ORDINANCE ADDING ARTICLE 4 OF CHAPTER III OF THE NEVADA COUNTY ADMINISTRATIVE CODE FOR THE NEVADA COUNTY RIVER FIRE DISASTER RECOVERY (4/5 AFFIRMATIVE VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA,
ORDAINS AS FOLLOWS:

SECTION I:

Findings and Declarations

- A. Pursuant to Article XI, section 7 of the California Constitution, the County of Nevada (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
- B. Pursuant to Government Code section 25123, to provide for the immediate preservation of the public peace, safety, health, or safety, the County may adopt an urgency ordinance that takes effect immediately.
- C. Section 101080 of the California Health and Safety Code empowers the County Health Officer to declare a Local Health Emergency if he or she reasonably determines that conditions of exposure to hazardous waste exist that pose an immediate threat to the public health, and requires the Local Health Emergency to expire after seven days unless ratified by the Board of Supervisors, and requires the Board of Supervisors to review the need for continuing the Local Health Emergency at least once every 30 days and proclaim the termination of the Local Health Emergency at the earliest possible date that conditions warrant the termination.
- D. On August 4, 2021 in the early afternoon a wildfire commenced near the Bear River Campground, immediately west of Colfax, referred to as the “River Fire.” The River Fire has consumed over 2400 acres, and 53 homes, 1 commercial building, 10 mobile homes, 3 motor homes, and 31 structures have been either destroyed or severely damaged.
- E. On August 5, 2021, the Assistant Director of Emergency Services for the County of Nevada proclaimed the existence of a local emergency as a result of the River Fire and the associated threat to the health and safety of thousands of residents living in and around the fire zone.
- F. On August 6, 2021 the Deputy Public Health Officer proclaimed a local health emergency due to the public health threat caused by hazardous waste and debris from the River Fire.
- G. On August 10, 2021 the Board of Supervisors adopted Resolution 21-364 ratifying the Assistant Director of Emergency Services’ proclamation the existence of a local emergency and adopted Resolution 21-365 ratifying the Deputy Public Health Officer’s proclamation of a local health emergency.
- H. On August 5, 2021 pursuant to Government Code section 8625, California Governor Newsom declared a state of emergency in the State of California, and in the County of Nevada, due to the fire(s) around the State, including the River Fire in the County of Nevada.
- I. On August 24, 2021, President Biden declared a major disaster in the State of California which included the River Fire.

- J. In destroying private structures, the River Fire has created an accumulation of fire debris, much of which has been determined to be contaminated with heavy metals and asbestos.
- K. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major fire disaster. Debris and ash from residential structure fires contain hazardous substances that may lead to acute and chronic health problems and may have serious environmental impacts.
- L. The combustion of building materials such as siding, roofing tiles, and insulation results in dangerous ash that may contain asbestos, heavy metals, and other hazardous materials, and household hazardous waste such as paint, gasoline, cleaning products, pesticides, and other chemicals that may have burned in the fire also produces hazardous materials.
- M. Exposure to hazardous substances may lead to acute and chronic health effects, and may cause long-term public health and environmental impacts.
- N. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies, and improper handling of hazardous materials can expose workers to toxic materials and improper transport and disposal of fire debris can spread hazardous substances throughout the community.
- O. Dead and dying trees damaged by the River Fire and at risk of falling may threaten the health, safety and welfare of workers conducting debris removal and residents of the affected properties, as well as the general public if the trees are at risk of falling onto a public right of way or public infrastructure.
- P. The anticipated start of the rainy season offers little time to mitigate further environmental contamination resulting from the River Fire, including contamination of the Bear River watershed, and, therefore, time is of the essence in removing hazardous waste, fire debris and hazard trees from affected properties.
- Q. Pursuant to Article XI, section 7 of the California Constitution and Government Code section 25845, the County may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety and welfare of its residents.
- R. Government Code section 25123(d) authorizes the adoption of an urgency ordinance for the immediate preservation of the public peace, health, or safety, where there is a declaration of the facts constituting the urgency and the ordinance is adopted by a four-fifths vote of the board of supervisors.
- S. There is an urgent need to mitigate the harm to public health and the environment from the improper disturbance, removal, transport and/or disposal of hazardous waste, fire debris and hazard trees resulting from the River Fire, to create and implement clear standards and procedures for removal of fire debris and hazard trees, and to facilitate coordinated, timely, and effective mitigation of the risks to public health and the environment from the health hazards generated by the River Fire.

SECTION II:

Article 4 of Chapter III of the Nevada County Administrative Code is hereby added to read as shown in Exhibit A attached hereto and incorporated by reference.

SECTION III:

Severability. If any provision of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION IV:

This Ordinance shall take effect immediately upon its approval by at least four-fifths vote of the Board of Supervisors pursuant to Government Code section 25123(d), and shall remain in effect until the later of the cleanup of all Fire Debris on all fire-damaged properties from the River Fire or the completion of all enforcement matters related to this Ordinance, if any. A fair and accurate summary of this Ordinance shall be published once before the expiration of fifteen (15) days after

said passage, with the names of the Supervisors voting for or against the same, in the Union, . A certified copy of the full text of this Ordinance shall be posted in the Union, along with the names of those Supervisors voting for and against the Ordinance.