



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN URGENCY ORDINANCE AMENDING ARTICLE 7 OF CHAPTER IV OF THE NEVADA COUNTY GENERAL CODE REGARDING HAZARDOUS VEGETATION ABATEMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAIN AS FOLLOWS

SECTION I:

The Nevada County Board of Supervisors hereby finds and determines as follows:

1. Of paramount importance to the Nevada County Board of Supervisors and the citizens of Nevada County are the protection of lives and structures from the threat of wildfire, and the safety of fire and law enforcement during wildfires. The proper establishment of defensible space benefits property owners, public safety personnel and all citizens of Nevada County by dramatically increasing the likelihood that structures will survive a wildfire, provides for firefighter safety during a firestorm and generally aids in the protection of lives.
2. During the fire season, Nevada County generally has a dry, arid climate conducive to wildfires. Nevada County also has a very diverse and complex landscape, which includes dry, brush-covered and grass-covered wildlands, mountainous areas, dense heavily forested properties and other terrains which are home to many sensitive plant and animal species. Many of the County's native and non-native plant species can be highly combustible during normal dry periods and have contributed to significant wildfires within the County. Difficult topography and terrain exacerbate the fire danger and the difficulty of fighting wildfires, and have resulted in catastrophic fire losses to life, property and the environment. Due to the extreme dry weather that we have had recently this justifies the need for an urgency ordinance.
3. With the recent fire events, the community has expressed concern about fire safety. The Board of Supervisors Objectives include to "Reduce the risk of local wildfire and the effects of wildfire on life, property and the environment by providing leadership and support to community partners, pursuing State and Federal funding, implementing county policies and programs, and assisting the public to be "wildfire ready." Explore other ways to reduce the threat and damage from wildfires." This Ordinance provides mechanisms for inspections, notices, enforcement, and vegetation abatement. To allow time for an effective defensible space inspection period to occur prior to the start of fire season an update to the vegetation abatement ordinance is necessary.
4. The proposed ordinance is an urgency measure which, if adopted by a 4/5ths vote, will become effective immediately. Government Code section 25123(d) authorizes the Board to adopt an urgency ordinance "for the immediate preservation of the public peace, health, or safety."

SECTION II:

Article 7 of Chapter IV of the Nevada County General Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION III:

The County finds that this Article is not subject to the California Environmental Quality Act (CEQA) pursuant to the following categorical exemptions: Section 15304 (minor public or private alterations in the condition of land, water and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes, including but not limited to specified fuels management activities within 100 feet of a dwelling), 15301 (maintenance or minor alteration of topographical features, including existing landscaping and native growth), 15307 (actions taken as authorized by local ordinance to assure the protection of natural resources), 15308 (actions taken as authorized by local ordinance to assure the protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

SECTION IV:

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.

Pursuant to Government Code section 25123(d), this Ordinance shall take effect and be in force immediately upon the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in The Union, a newspaper of general circulation printed and published in the County of Nevada.