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Fire Chief
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BOARD OF DIRECTORS
NORTHSTAR COMMUNITY SERVICES DISTRICT

ORDINANCE NO. 35-19

**ORDINANCE AMENDING ORDINANCE 26-09, AN ORDINANCE REGARDING WILDLAND
FIRE PREVENTION AND DEFENSIBLE SPACE REQUIREMENTS**

ADOPTED JUNE 19, 2019
EFFECTIVE JULY 19, 2019

WHEREAS, the Northstar Community Services District ("District") is a community services district organized and operating under the authority of Government Code sections 61000 *et seq.*; and

WHEREAS, pursuant to Government Code section 61100, subdivision (d), the District may exercise any of the powers of a fire protection district pursuant Health and Safety Code sections 13800 *et seq.*; and

WHEREAS, Health and Safety Code section 13861, subdivisions (h) and (i) authorize the District to adopt ordinances to establish and enforce rules and regulations for the administration, operation, and maintenance of its fire protection services; and

WHEREAS, pursuant to Health and Safety Code section 13869, the District adopted the 2016 California Fire Code and Placer County Code Chapter 15, Article 15.12 Liquefied Petroleum Gas Installations, as amended in Ordinance 33-16; and

WHEREAS, fires threaten the preservation of the public peace, health and safety, and are extremely costly, making it necessary that cities, counties, special districts, state agencies, and federal agencies work together to minimize the threat of fires and maximize the ability to extinguish them quickly; and

WHEREAS, the lands within the boundaries of the District are State Responsibility Area (SRA) lands, designated by the California Department of Forestry and Fire Protection (CalFire) as a Very High Fire Severity Zone pursuant to Government Code, section 51181 *et seq.* and California Code of Regulations, title 14, section 1280; and

WHEREAS, pursuant to Public Resources Code section 4291 and California Code of Regulations, title 14, section 1299, the State imposes minimum fire safety standards related to defensible space that are applicable to the perimeters and access to all residential, commercial, and industrial building construction within SRA lands, and include fuel breaks and greenbelts; however, these regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the State; and

WHEREAS, there is an increased threat of wildfire when open burning, recreational fires are allowed during high fire hazard conditions; and

WHEREAS, improperly extinguished recreational fires have the potential to escape the confines of their fire ring and threaten to, and do, spread to nearby wildland and structures; and

WHEREAS, by issuing a moratorium on open burning, recreational fires during high fire hazard conditions (Wildland Fire Season), the threat of wildfire can be reduced; and

WHEREAS, the large visitor population and purchasers of property in the District are often not familiar with the District's elevated fire dangers; and

WHEREAS, there is a need to inform purchasers of property within the District of the state and local requirements to have defensible space for their property(s), in order to protect and benefit themselves, their neighborhood, and the community; and

WHEREAS, the District seeks to adopt wildland fire prevention and defensible space regulations equaling or exceeding the minimum regulations adopted by the State of California, to insure the preservation of the public peace, health, and safety.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NORTHSTAR COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

Section 1.

The District finds all of the above recitals to be true and correct and expressly finds that the regulations contained herein are reasonably necessary because of local climatic, geological, and topographical conditions unique to the Northstar area, and are further required to reduce the possibility of a fire originating within the District spreading to the adjacent Lake Tahoe Basin, an area of national importance and significance. The Northstar Fire Department Chief ("Fire Chief") or the Fire Chief's designee shall enforce the requirements of this Ordinance.

Section 2. Purpose of Ordinance.

The purpose of this Ordinance is to:

- a. Classify lands within the District in accordance with whether a high fire hazard is present so that District officials and others with similar wildland fire prevention and suppression responsibility are able to identify

measures that will retard the rate of spread and reduce the potential intensity of uncontrolled fires that threaten to destroy natural resources, life, or property, and require that those measures be taken.

- b. Set local defensible space and wildland fire prevention standards.
- c. Define penalties for violations of such standards.

Section 3. Definitions.

- a. Co-dominant Trees – Trees with crowns forming the general level of the forest canopy and receiving full light from above, but comparatively little light from the sides. Trees that usually have medium sized crowns but crowded on the sides.
- b. Defensible Space – A minimum area of space that landowners are required to create on their property between a building or structure and the plants, brush, and trees or other items surrounding the building or structure that could ignite in the event of a fire.
- c. Dominant Trees – Trees with well-developed crowns extending above the general forest canopy and receiving full light from above and partly from the sides.
- d. Flammable Vegetation - Any material, live or dead, which is combustible during normal summer weather.
- e. Fuel Reduction Zones – Fuel Reduction Zones include all land within District boundaries that is not included in the definition of Residential and Commercial Parcels but situated within 300 feet of any Residential and Commercial Parcels.
- f. Intermediate Trees – Trees that are shorter than dominant and co-dominant trees, but tops extend partially into the co-dominants. They receive little direct light from above and none at all from the sides.
- g. Logging Slash – Logging slash is coarse and fine woody debris generated during logging operations.
- h. Open Burning – Any material burned on the ground or in an open receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.
- i. Residential and Commercial Parcels – Residential and Commercial Parcels shall include all improved and Unimproved single-family lots, improved commercial properties and all common area parcels maintained or owned by condominium or townhome developments, or homeowners or property-owners associations or similar common-ownership organizations within District boundaries.
- j. Shrub – A woody plant which is smaller than a tree and has several main stems arising at or near the ground. Synonyms: bush, brush, woody plant, etc.
- k. Suppressed Trees – Trees which have crowns in the lower layers of the canopy. They receive virtually no direct sunlight, and they are generally growing very slowly.

Section 4. Defensible Space Standards for Residential and Commercial Parcels.

Owners of Residential and Commercial Parcels shall:

- a. Comply with all requirements set forth in California Public Resources Code sections 4291 through 4299, Government Code sections 51181 and 51182, Placer County Code, Chapter 9, 9.32, Part 4, California Code of Regulations, Title 14, section 1299.03, as amended from time to time, and any additional regulations adopted thereunder.
- b. Comply with the following additional treatments:
 1. Provide five feet of clearance (“Buffer”) by removing all combustible ground fuels and vegetation around the perimeter of any structure leaving only dirt/mineral soil, clay, or rock of an owner’s choice.
 2. Beyond the Buffer, and up to 100 feet or to the property line, whichever is less, maintain an average pine needle/forest duff /woodchip/decorative mulch depth of one inch, and in no case exceed a maximum depth of two inches.
 3. Remove any overhanging tree limbs that are within ten feet horizontally or vertically of any structure.
 4. Remove all flammable vegetation within 10 feet of any part of the structure.
 5. Maintain shrubs on the entire property according to the minimum horizontal spacing between edges of shrubs based on the slope of the property as follows:
 - i. 0-20% slope - Two times the height of the shrub
 - ii. 21-40% slope - Four times the height of the shrub
 - iii. Greater than 40% slope - Six times the height of the shrub
 6. Remove all standing dead, diseased, pest-infested, or dying trees on the entire property.
 7. All trees the District or the State classifies as intermediate, co-dominant, or dominant must maintain spacing distances between tree canopies or groups of trees based on the slope of the property as follows:
 - i. 0-20% slope - 10 feet of canopy spacing
 - ii. 21-40% slope - 20 feet of canopy spacing
 - iii. Greater than 40% slope - 30 feet of canopy spacing.
 8. All ground-level transformers or other utility boxes that may cause a spark must be kept free a distance ranging of 3 feet to 5 feet and clear of all highly flammable vegetation and ground fuels as determined by the District.

9. Unless located or stored in an enclosed structure protected from any and all flying embers, all firewood and woodpiles within 30 feet of a structure must be fully wrapped with a National Fire Protection Association (NFPA)- or Northstar Fire Department-approved fire-retardant tarp. All firewood and woodpiles stored beyond 30 feet from a structure must:
 - i. have sufficient clearance so as not to convey fire to the surrounding vegetation;
 - ii. maintain a minimum 10 feet of ground clearance down to mineral soil; and
 - iii. not be located under a tree canopy.
10. All suppressed trees acting as ladder fuels must be removed.

Section 5. Defensible Space Standards for Fuel Reduction Zones.

Owners of Fuel Reduction Zones shall comply with the following:

- a. Stocking: The forest stands must be thinned in accordance with the species components as follows:
 1. Pure pine stands shall be thinned to a range of 50-75 square feet of basal area;
 2. Mixed conifer stands shall be thinned to an average of 75 square feet of basal area; and,
 3. True fir forest stands shall be thinned to a range of 75-90 square feet of basal area.
- b. Understory: Smaller diameter trees shall be thinned so as to be below the level that provides a fire ladder into larger diameter trees.
- c. Brush Components: Brush components consisting of native flammable vegetation shall be removed according to the site's land capability and fire characteristics. Brush removal shall consist of a range of actions, from complete removal, to creation of mosaics, depending on the site characteristics, slope, aspect, brush flammability characteristics and proximity to structures, roads and trails.
- d. Logging slash: Logging slash over the entire parcel shall be chipped, or pile burned, hauled away or mechanically treated where appropriate and authorized to reduce fuel load on the parcel.

Section 6. New Development.

The District will require, as a condition of approval of new development, that the entire parcel be brought into compliance with the applicable standards set forth in Section 4 and/or Section 5 above, as determined by the District.

Section 7. Approval of Landscape Plans.

Owners of all Residential or Commercial parcels shall submit any landscape plan that must be approved by a homeowners or property-owners association or similar common-ownership organization, or that is otherwise subject to advance review under the provisions of deed covenants, conditions, and restrictions ("Plan") to the District for approval before implementation of the Plan. The Plan shall describe the landscaping in sufficient detail so that the District can evaluate the Plan for compliance with this Ordinance, and the District's review of the Plan will be limited to such compliance. The District's approval of the Plan shall be valid for 2 years from the date of approval. Upon completion of the landscaping, such work must be inspected for proper sign-off.

Section 8. Disclosure and Inspection Required Prior to Close of Escrow.

- a. Prior to the sale, transfer, or exchange of ownership of any real property within the jurisdictional boundaries of the District, buyers of such real property shall be required to read and sign a defensible space disclosure document, acknowledging the high risk of wildfire to the area and the laws requiring their obligation to ensure defensible space.
- b. Prior to the sale, transfer, or exchange of ownership of any real property within the jurisdictional boundaries of the District, sellers of such real property shall be required to have a defensible space inspection pursuant to the applicable defensible space requirements referenced in this Ordinance.
- c. Satisfaction of the requirements of Section 8b shall be at the District's discretion if the real property has been inspected and found by the District to be in compliance with the applicable defensible space requirements referenced in this Ordinance within 1 year prior to the transfer of ownership. The inspection for sale of individual condominiums/townhomes shall not be required.
- d. Satisfaction of the requirements of Section 8b shall be at the District's discretion if the real property has been inspected and found by an authorized Homeowner's Association (HOA) defensible space inspector, other than District personnel to be in compliance with the applicable defensible space requirements referenced in this Ordinance within 1 year prior to the transfer of ownership. Authorized HOAs are those that have defensible space inspectors trained and approved by the District to evaluate a property's compliance with the defensible space requirements referenced in this Ordinance.
- e. If the accumulation of snow or other conditions prevent a full inspection prior to the transfer of ownership, the District or authorized HOA inspector will provide a partial inspection of the property based on what they can determine at the time of escrow. The partial or full inspection on an approved District inspection form will satisfy the requirements for Section 8b, at the District's discretion.
- f. Miscellaneous Implementation:

- 1. This Ordinance shall apply regardless of whether a title company is involved. A courtesy copy of this Ordinance will be delivered, within 30 days of the effective date, to any and all title

companies that have a physical office located in the jurisdictional boundaries of the District, north shore of Lake Tahoe and the town of Truckee.

2. Involuntary transactions, such as foreclosures, are exempt from Section 8 of this Ordinance.
3. The request for an inspection shall be placed by the seller or seller's agent. Either the seller or seller's agent may contact the Northstar Fire Department by email or by phone to request an inspection. Once the inspection is completed, a copy of the inspection report will be transmitted back to the seller by email in a reasonable amount of time (usually 3 business days).
4. Once a property enters escrow, the title insurance company may contact the Northstar Fire Department by email or phone to request a copy of the inspection report. A copy of the inspection report will be transmitted to the title insurance company by email in a reasonable amount of time (usually 3 business days).
5. If the seller has failed to request a defensible space inspection prior to escrow, the title insurance company may contact the Northstar Fire Department by email or phone to request an inspection.
6. The seller or title insurance company shall provide a copy of the completed inspection report to the buyer of the real property.
7. If an inspection report identifies violations of the applicable defensible space requirements referenced in this Ordinance, the seller is not required to make corrections prior to the close of escrow or transfer of ownership. The new property owner shall be responsible for correcting any and all remaining violations within the time frame noted on the inspection report. Failure to do so will subject the buyer to enforcement measures identified in Section 14 of this Ordinance.

Section 9. Open Burning and Recreational Fires.

- a. Open burning camp fires, bonfires, portable outdoor fireplaces, charcoal barbeques, ceremonial fires, and recreational fires, as defined in the 2016 California Fire Code, and any other type of burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from within the District's jurisdiction, shall be prohibited when atmospheric conditions or other local circumstances make such fires hazardous including when, in the judgment of the Fire Chief or the Fire Chief's designee, the menace of destruction by wildfire to life, improved property, or natural resources is due to factors that may cause the rapid spread of wildfire. Such factors include: high winds, low fuel moistures, fire weather, the issuance of red flag warnings, severe threat of wildland fire, and the issuance of a fire restriction "suspending burning" on lands within or adjacent to the District by CalFire or by

the United States Forest Service (USFS).

EXEMPTIONS:

1. UL or ASMI listed manufactured GAS (LPG or NG) outdoor flame devices, such as: Gas BBQs or Gas Fire-pits that comply with the Fire Code.
 2. Charcoal BBQs for a commercial restaurant, catering operation or special event, with additional restrictions as determined by Northstar Fire Department staff.
 3. Pellet-fed smokers.
- b. Open burning will be prohibited on the issuance of a fire restriction “suspending burning” on lands within or adjacent to the District by CalFire or by the USFS. This is often referred to as a “burn ban” and “wildland fire season.” During this time period, wildland fires can burn out of control.
- c. Open burning, regardless of the time of year, will be under the direction of the Fire Chief or the Fire Chief’s Designee and will require written approval.
- d. The Fire Chief may delay or prolong a ban on open burning, based on local fire conditions.

Section 10. Consultation and Advice from District Staff.

Property owners are urged to consult with or request advice from the District and the Northstar Fire Department regarding the classification of the owner's property, the methods for complying with this Ordinance, or other information about it. The ultimate responsibility for compliance with this Ordinance rests with the property owner.

Section 11. Final Authority.

The District shall have the final authority on the determination of compliance with the provisions of this Ordinance.

Section 12. Additional Permits Required.

Any and all open pile burning of pine needles, slash, brush, or other debris shall require a valid permit from the District and any other agencies with jurisdiction.

Section 13. Exclusions from Ordinance.

This Ordinance shall not apply to any land within the District boundaries that is habitat for endangered or threatened wildlife species, or that has historical or archeological significance or is otherwise declared excluded by state or federal law.

Section 14. Abatement and Enforcement.

- a. Pursuant to Government Code section 51186, if the owner of any such real property fails to correct the violations of the defensible space requirements referenced in this Ordinance, the District may cause the corrections to be made and the expense incurred shall become lien on the property that is subject of the corrections when such lien is recorded.
- b. Pursuant to Health and Safety Code section 13871, violation of this Ordinance is punishable as a misdemeanor and a possible fine of \$1000.00 per day of violation and/or up to 90 days in county jail, pursuant to Penal Code section 19, or as an infraction pursuant to Penal Code section 17.

Section 14. Appeals.

Any person affected by this Ordinance or wishing to appeal a determination by the Fire Chief or their designee to create a defensible space or any such order to abate violations of this Ordinance, shall do so in writing within 30 days of receipt of a notice of violation from the District by delivering such writing to the District clerk during normal District business hours (Monday through Friday, 8:00 a.m. to 4:00 p.m.). Such writing shall include a request for a hearing before the District Board of Directors. Any civil enforcement actions by the District shall be suspended pending hearing and decision of the appeal (which shall be heard by a majority of the Board of Directors of the Northstar Community Services District).

Section 15. Partial Invalidity.

If any section, sub-section, paragraph, clause or word of this Ordinance is determined in a final ruling by a court of competent jurisdiction to be invalid or unenforceable, such finding shall not invalidate any other section, sub-section, paragraph, clause or word of this Ordinance, which shall remain in effect.

Section 16. Effective Date of Ordinance; Amendment of Previous Ordinance.

This Ordinance shall take effect and be in force 30 days from the date of its adoption. The clerk of the District is directed to post or publish this Ordinance as required by law. On its effective date, this Ordinance will supersede, in its entirety, District Ordinance No. 26-09, except that any pending enforcement or abatement actions shall remain and be pursued until resolution.

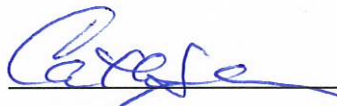
PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Northstar Community Services District on June 19, 2019, by the following roll call vote:

AYES: BROWN, CRAVENS, IVES, STEWART

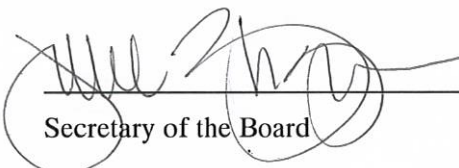
NOES: WITHERSPOON

ABSENT: NONE

ABSTAIN:


Cathy Stewart, President of the Board

ATTEST:


Secretary of the Board