

ORDINANCE NO. ORD-2023-016

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 9-30 TO TITLE 9 HEALTH AND SAFETY OF THE SANTA ROSA CITY CODE PERTAINING TO HAZARDOUS VEGETATION AND FUELS MANAGEMENT

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds based on evidence and records presented, that this ordinance is necessary for the protection of the public peace, health, safety and welfare.

Section 2. Chapter 9-30 Hazardous Vegetation and Fuels Management is added to the City Code to read as follows:

“HAZARDOUS VEGETATION AND FUELS MANAGEMENT”

9-30.010 Purpose and intent.

(A) The purpose and intent of this Chapter is to require compliance with defensible space for all parcels within the Wildland Urban Interface Fire area. It will also require property owners to maintain defensible space throughout the entire Wildland Urban Interface Fire Area, remove dead trees, hazardous vegetation and limit certain mulch under specific conditions.

(B) Reducing the vegetative fuel load and maintaining defensible space is a critical part of the City’s efforts to mitigate wildfire danger.

(C) The goal of this Chapter is to modify fire behavior in an effort to reduce environmental damage and aid in suppressing wildfires. Benefits from defensible space and fuels mitigation include: prevent loss of lives, reduce fire suppression costs, reduce private property losses and protect natural resources from devastating wildfire.

9-30.020 Application.

The provisions of this Chapter shall apply specifically to parcels within the Wildland Urban Interface Fire Area and other areas affected by wildfires.

9-30.030 Definitions.

(A) “Fire Chief” means the Fire Chief for the Santa Rosa Fire Department or the designee thereof.

(B) “Fire Department” means the Fire Department of the City of Santa Rosa.

(C) “Wildland-Urban Interface Fire Area” means a geographical area in the City at significant risk from wildfires as designated on the map entitled Wildland-Urban Interface Fire Area dated January 28, 2009, and retained on file in the City Geographic Information System (GIS) and in the office of the City’s Fire Marshal. The Wildland-Urban Interface Fire Area includes Very High Fire Hazard Severity Zones recommended by the Director of the California

Department of Forestry and Fire Protection pursuant to Public Resources Code Sections 4201-4204 and Government Code Sections 51175-51189.

9-30.040 Violation-penalty.

Any person who violates or fails to comply with any provision of this Chapter, or who violates or fails to comply with any order or regulation made thereunder, or who violates any provisions of a permit issued thereunder, shall be guilty of a misdemeanor or infraction as determined by the City Attorney pursuant to Chapter 1-28. The City Attorney may seek legal, injunctive, administrative or other equitable relief to enforce this Chapter. The remedies and penalties provided in this section are cumulative and not exclusive and nothing in this section shall preclude the City from pursuing any other remedies provided by law. In addition to any relief available to the City, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in enforcement of this Chapter.

9.30.050 Responsibility for enforcement.

Except as otherwise provided herein, the Fire Chief shall be responsible for enforcing the provisions of this Chapter.”

9.30.060 Fire hazard reduction guidelines.

- 1) Trees
 - a) Trees and vegetation that are dead or dying as a result of a wildfire as determined by the Fire Chief or designees are required to be removed under the following conditions:
 - i) Are within 30 feet of a public right of way.
 - ii) Based on the height and slope, present a fall hazard to a right of way.
 - iii) Are within a 100 feet of a structure.
 - iv) Are within 30 feet of a property line.
 - v) No later than January 1, 2025.
- 2) Non-Native Hazardous Vegetation
 - a) Non-Native Hazardous Vegetation for the purposes of this section refers to invasive growth of plant species, limited to Scotch Broom, French Broom and Bay or other types as determined by the Fire Chief or designee are required to be removed from areas in the Wildland Urban Interface Fire Area (WUIFA) under the following conditions:
 - i) Are within 30 feet of a right of way.
 - ii) Are within 30 feet of a property line.
 - iii) Are within 100 feet of a structure.
 - iv) No later than January 1, 2025.
- 3) Mulch and Ground Coverings

- a) Mulch is not permitted within 30 feet of a structure within the WUIFA under the following conditions:
 - i) The mulch is fibrous and stringy in nature.
 - ii) The mulch is dyed and based on its chemically altered composition promotes the spread of fire as determined by the Fire Chief or designee.
 - iii) Removed no later than July 1, 2025.

4) Defensible Space

Defensible space is essential to improve a structures survivability as a result of a wildfire. It is the buffer created around a structure within the WUIFA and is needed to slow or stop the spread of wildfire, either from direct flame contact or radiant heat. Defensible space shall be maintained in accordance with California Code of Regulation, Title 14, Section 1299.3 and Public Resources Code Section 4291 for all outbuildings within 100 feet of structures and all structures and attached decks within the WUIFA.

Vacant undeveloped lands shall be maintained within 30 feet along the property line:

- a. Remove all dead plants, grass and weeds (vegetation).
- b. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- c. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark.
- d. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.

Additional Considerations for the Hazardous Vegetation and Fuels Management Ordinance.

- a. Any parcel where slope stability will be threatened by removal of plants may be exempt from treatment requirements or subject to alternate treatments. The property owner must submit a report documenting the probability of slope failure due to vegetation removal, prepared by a licensed civil, geotechnical or soils engineer. The report shall propose alternative treatment methods to address fire hazards. The report will be reviewed by city staff. Review and acceptance by the City of alternative treatment will supersede other requirements.
- b. Any parcel or lot which includes plant or animal species that are rare, endangered or of special concern may qualify for alternative plant treatment and spacing requirements. The property owner must submit a report from a qualified resource biologist or landscape architect describing the species, actions required to preserve its environmental value, and proposed alternative measures to address fire hazards. The report will be reviewed by the City. Review and acceptance by the City of alternative treatment will supersede other requirements.”

Section 3. Environmental Determination. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and no further environmental review is required.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on December 5, 2023.

IN COUNCIL DULY PASSED AND ADOPTED this 12th day of December, 2023.

AYES: (7) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, MacDonald, Okrepkie, C. Rogers

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney