



N.C.S.D

Northstar Community Services District
Northstar Fire Department
910 Northstar Drive, Truckee, CA 96161
P: 530.562.1212 • F: 530.562.0702 • www.northstarcsd.org

Board of Directors
Warren "Chip" Brown, President
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General Manager
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Fire Chief
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**BOARD OF DIRECTORS
NORTHSTAR COMMUNITY SERVICES DISTRICT**

ORDINANCE NO. 38-22

**ORDINANCE AMENDING ORDINANCE 35-19, REGARDING WILDLAND FIRE PREVENTION
AND DEFENSIBLE SPACE REQUIREMENTS**

ADOPTED March 16, 2022

EFFECTIVE April 15, 2022

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, through the Northstar Fire Department ("NFD"), the District provides wildfire protection services, including structural and wildland fire protection, fire suppression, fire prevention, and public education services within District boundaries, excluding the annexed Zone 4 territory and any areas within the Truckee Fire Protection District, as depicted in the Boundary Map maintained by the NFD ("NFD Boundaries"); 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 by reference the 2019 California Fire Code, as amended in Ordinance 36-19; 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 NFD Boundaries 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 sections 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, road and street networks and parking lots, whether public or private, shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency; and

WHEREAS, the large visitor population and purchasers of property within the NFD Boundaries are often not familiar with the local elevated fire dangers; and

WHEREAS, there is a need to inform purchasers of real property within the NFD Boundaries of the state and local requirements to have and maintain defensible space for their property, 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 NFD Boundaries spreading to the adjacent Lake Tahoe Basin, an area of national importance and significance. The NFD Fire 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 NFD Boundaries so that NFD officials and others with similar wildland fire prevention and suppression responsibility are able to identify proper 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, fuels reduction, 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 are crowded on the sides.
- b. Common Open Space – Any parcel or area of land essentially unimproved and set aside, dedicated, designated, or reserved for the public use, for the common use of owners and occupants of land adjoining or neighboring such open space, or for purposes intended to preserve important natural features of the site.
- c. Defensible Space – A minimum area of space that landowners are required to create on their property within 100 feet of 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.
- d. Development - The conversion of undeveloped land by obtaining necessary permits, creating multiple building lots, constructing of structures and/or installing or modifying infrastructure such as sewers, fire hydrants, water or electric lines, and streets and curbs.
- e. Dominant Trees – Trees with well-developed crowns extending above the general forest canopy and receiving full light from above and partly from the sides.
- f. Evacuation Route – Any private or publicly maintained, paved or unpaved road deemed by the NFD as a possible means of ingress or egress travel for civilians or emergency response during a natural disaster evacuation.
- g. Flammable Vegetation - Any material, live or dead, which can ignite, burn, and transmit fire to any structure or other vegetation.
- h. Fuel Break – A natural or manmade change in fuel characteristics and continuity to reduce fire spread to structures and or natural resources and provide a safer location to fight fire.
- i. Hazardous Fuel – Hazardous fuel is any kind of living or dead vegetation that is flammable and endangers the public safety by creating a fire hazard, including but not limited to seasonal and recurrent weeds, pine needles, brush, etc.

- j. 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.
- k. Logging Slash – Logging slash is coarse and fine woody debris laying on the forest floor generated during logging operations.
- l. 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.
- m. Residential and Commercial Parcels – Residential and Commercial Parcels shall include all improved and unimproved, permitted residential and commercial lots, and all common area parcels maintained or owned by condominium or townhome developments, homeowners, or property-owners associations and similar common-ownership organizations within NFD Boundaries.
- n. Safety Zones - Identified areas of safe refuge in a high fire hazard area which may be natural (bare ground, rock outcroppings, wet areas/water bodies), man-made (parking areas, sufficiently wide roads), or other areas where fuel has been removed and fire is less likely to burn.
- o. 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.
- p. Suppressed Trees – Trees that have crowns in the lower layers of the canopy. They receive virtually no direct sunlight and generally grow very slowly.
- q. Temporary Areas of Refuge - Preplanned areas where people and/or firefighters can immediately take refuge for temporary shelter and short-term relief.

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, sections 1299.03 – 1299.04, as amended from time to time, and any additional regulations adopted thereunder.
- b. Comply with the following additional treatments within 100 feet of a structure or the property lines whichever is less:
 - 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, reduce all ground fuels and 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 10 feet horizontally or vertically of any structure.
4. Remove all flammable vegetation within 10 feet of any part of the structure.
5. Maintain a 10-foot minimum clearance next to parking lots; more may be required.
6. 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
7. Maintain a minimum vertical space between the top of a shrub and the bottom of lower tree branches equal to three times the height of the shrub.
8. Remove all standing dead, diseased, pest-infested, or dying trees on the entire property.
9. All trees the NFD 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.
10. 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.
11. 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 - or NFD-approved fire-retardant tarp. All firewood and woodpiles stored beyond 30 feet from any 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.
 - iv. maintain the minimum 30-foot distance from any structure on neighboring property.
12. All suppressed trees acting as ladder fuels must be removed.

Section 5. Forest Fuels Reduction Standards for Areas Beyond 100 Feet from a Structure.

Owners of Common Open Space or parcels that are undeveloped, unentitled, or unpermitted shall comply with the following standards beyond 100 feet from any structure to the property line:

- 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: Trees in the understory shall be thinned so as to be below the level that provides a fire ladder into larger diameter trees.
- c. Limbing: All trees must be limbed 6-15 feet from the ground to the drip line.
- d. 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 the creation of mosaics, depending on the site characteristics, slope, aspect, brush flammability characteristics and proximity to structures, roads and trails.
- e. 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.
- f. Transformers and Utility Boxes: 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.
- g. Firewood: All firewood stored 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.
 - iv. maintain the minimum 30 feet distance from any structure on neighboring property

Section 6. Development.

As a condition of approval of development and prior to the start of vertical construction, owners and developers of real property within the NFD Boundaries must have a 300-foot fuel break around all future planned, designed structures, or the abatement of the entire parcel, whichever is greater. The fuel break or the abatement of the entire parcel must meet the applicable standards set forth in Section 4 and/or Section 5 above. (A 300-foot fuel break must be achieved regardless if such a fuel break encompasses other land ownership outside and beyond the development's parcel or property.)

Section 7. Evacuation Routes

Owners of Residential or Commercial parcels, and/or Common Open Space shall also be required to maintain defensible space and/or forest fuels reduction compliance for those areas of their property falling within one hundred and fifty (150) feet of the centerline of the District's identified Evacuation Routes.

Section 8. Temporary Areas of Refuge and/or Safety Zones.

Owners of Residential or Commercial parcels, and/or Common Open Space that contain Temporary Areas of Refuge and/or Safety Zones (as determined by the NFD) are required to maintain defensible space and/or forest fuels reduction compliance for those areas.

Section 9. 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 ("Landscape Plan") to the NFD for approval before implementation of the Landscape Plan. The Landscape Plan shall describe the landscaping in sufficient detail so that the Fire Chief or the Fire Chief's designee can evaluate the Landscape Plan for compliance with this Ordinance, and the NFD's review of the Landscape Plan will be limited to such compliance. Prior to any submission of a Landscape Plan, the property must be in compliance with applicable Defensible Space requirements. The NFD's approval of the Landscape Plan shall be valid for 2 years from the date of approval. Any material change in landscaping plans must be re-submitted for review and approval by the NFD.

Upon completion of the landscaping, such work must be inspected by the NFD for proper sign-off.

Section 10. Disclosure and Inspection Required Prior to Close of Escrow.

- a. Prior to the sale, transfer, or exchange of ownership of any single-family residential real property within the NFD Boundaries, the seller shall provide a disclosure notice to the buyer if the home was constructed before January 1, 2010, that includes the following information:
- 1) A statement as follows: “This home is located in a high or very high fire hazard severity zone and this home was built before the implementation of the Wildfire Urban Interface building codes which help to fire harden a home. To better protect your home from wildfire, you might need to consider improvements. Information on fire hardening, including current building standards and information on minimum annual vegetation management standards to protect homes from wildfires, can be obtained on the internet website <http://www.readyforwildfire.org>.”
 - 2) On or after July 1, 2025, a list of low-cost retrofits developed and listed pursuant to Section 51189 of the Government Code. The notice shall disclose which listed retrofits, if any, have been completed during the time that the seller has owned the property.
 - 3) A list of the following features that may make the home vulnerable to wildfire and flying embers. The notice shall disclose which of the listed features, if any, that exist on the home of which the seller is aware:
 - a) Eave, soffit, and roof ventilation where the vents have openings in excess of one-eighth of an inch or are not flame and ember resistant.
 - b) Roof coverings made of untreated wood shingles or shakes.
 - c) Combustible landscaping or other materials within five feet of the home and under the footprint of any attached deck.
 - d) Single pane or nontempered glass windows.
 - e) Loose or missing bird stopping or roof flashing.
 - f) Rain gutters without metal or noncombustible gutter covers.
 - g) If, pursuant to Section 51182 of the Government Code, a seller has obtained a final inspection report described in that section, the seller shall provide to the buyer a copy of that report or information on where a copy of the report may be obtained.
- b. Prior to the sale, transfer, or exchange of ownership of any residential or commercial real property within the NFD Boundaries, 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.

- c. Within the six-month period prior to the sale, transfer, or exchange of ownership of any residential or commercial real property within the NFD Boundaries, the seller of such real property shall obtain a defensible space inspection report by the NFD pursuant to the applicable defensible space requirements referenced in this Ordinance, and provide the buyer with a copy of that inspection report.
- d. Satisfaction of the requirements of subdivision (c) of Section 10 shall be at the NFD's discretion if the real property has been inspected and found by the NFD to be in compliance with the applicable defensible space requirements referenced in this Ordinance obtained within a one-year period preceding the date the seller enters into the sale, transfer, or exchange of ownership of any residential or commercial real property.
- e. If the accumulation of snow or other conditions prevents a full inspection prior to the transfer of ownership, the NFD will provide a partial inspection of the property based on what can be accessed at the time of escrow. The partial or full inspection on an approved District inspection form may satisfy the requirements of subdivision (c) of Section 10 at the District's discretion.
- f. If the seller of residential or commercial real property within the NFD Boundaries has not obtained a defensible space inspection report in accordance with Section 10, the buyer shall sign a disclosure agreement acknowledging that they will obtain a defensible space inspection within one year following the date of the close of escrow or transfer of ownership.
- g. If the buyer of residential or commercial real property purchases a residential or commercial real property within the jurisdictional boundaries of the District that is non-compliant with the applicable defensible space requirements referenced in this Ordinance, the buyer will sign a disclosure agreement acknowledging that the property will be brought under compliance within 1-year of the date of escrow closure or transfer of ownership.
- h. 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 10 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 NFD 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 NFD 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 NFD 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 15 of this Ordinance.

Section 11. Open Burning and Recreational Fires.

- a. Open burning campfires, bonfires, portable outdoor fireplaces, charcoal barbeques, ceremonial fires, and recreational fires, as defined in the 2019 California Fire Code, and any other type of burning of materials, shall be prohibited within the NFD Boundaries 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, the 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 NFD staff.
 3. Pellet-fed smokers.
 4. Outdoor permanent or mobile fire pits wherein products of combustion first pass through a stack or chimney with all openings protected by a metal screen and/or spark arrestor with screen openings between $\frac{3}{8}$ inch to $\frac{1}{2}$ inch.
- 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 12. Consultation and Advice from District Staff.

Property owners are urged to consult with or request advice from the District and the NFD 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 13. Final Authority.

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

Section 14. Exclusions from Ordinance.

This Ordinance shall not apply to any land within the NFD 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 15. 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 NFD may cause the corrections to be made and the expense incurred shall become a lien on the property that is subject of the corrections when such lien is recorded.
- b. Pursuant to Health and Safety Code section 13871, every owner or occupant of any parcel of real property within the NFD Boundaries who violates this Ordinance or fails to correct or eliminate a fire hazard after written order of the NFD shall be subject to citation for:
 - i. An infraction punishable by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000.00); or
 - ii. A misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000.00), imprisonment not to exceed 180 days, or both such fine and imprisonment.
 - iii. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 16. 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 NFD 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 NFD shall be suspended pending the hearing and decision of the appeal (which shall be heard by a majority of the Board of Directors of the District).

Section 17. 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 18. 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. 35-19, 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 March 16, 2022, by the following roll call vote:

AYES: Forni, Moll, Witherspoon

NOES: NONE

ABSENT: BROWN, Ives

ABSTAIN: NONE



Michael Moll, Vice President, Board of Directors

ATTEST:



Julie Zangara, Secretary of the Board