

Ordinance No. 734

An Ordinance of the City Council of the City of Jackson Adding Chapter 8.40 to Title 8 of the Jackson Municipal Code Adopting the Fire Hazard Severity Zones as Recommended by CalFire and to Provide Authorization for Fees for the Inspection of Properties that are sold in High or Very High Fire Hazard Severity Zone

WHEREAS, the Legislature has declared in Government Code section 51175, subdivision (a), that: fires are extremely costly, not only to property owners and residents, but also to local agencies; fires pose a serious threat to preservation of public peace, health and safety; it is necessary for cities, counties, special districts, state agencies and federal agencies to work together to bring raging fires under control; and preventative measures are needed to ensure preservation of the public peace, health and safety; and

WHEREAS, the Legislature has declared in Government Code section 51175, subdivision (b), that prevention of fires is not a municipal affair, but instead is a matter of statewide concern; and

WHEREAS, Government Code section 51175 et seq. authorizes the California Department of Forestry and Fire Protection (“CALFIRE”) to recommend Fire Hazard Severity Zones in the City of Jackson (“City”); and

WHEREAS, pursuant to Government Code section 51179, the State Fire Marshal has published maps depicting areas designated as Moderate, High, and Very High Fire Hazard Severity Zones, has recommended that local agencies adopt these zones through local ordinance and Government Code section 51179, subdivision (a), requires the City to designate by ordinance Moderate, High, and Very High Fire Hazard Severity Zones in its jurisdiction within 120 days after receiving recommendations from CALFIRE; and

WHEREAS, the City received from CALFIRE a map titled the “City of Jackson – Amador County Local Responsibility Area Fire Hazard Severity Zones” dated March 10, 2025 (“CALFIRE MAP”), attached hereto as Exhibit “A”; and

WHEREAS, pursuant to Government Code Section 51179, subdivision e (3) A local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion pursuant to paragraph (2), may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.

WHEREAS, pursuant to Government Code Section 51179, subdivision (e), CALFIRE has prepared a model ordinance that among other things, allows a fire chief to designate Moderate, High, and Very High Fire Hazard Severity Zones and requires building officials to enforce

provisions of Title 24 California Code of Regulations, California Building Code, Part 2, Chapter 7A, in all Fire Hazard Severity Zones; and

WHEREAS, pursuant to Government Code section 51181, the State Fire Marshal is required to periodically review areas in the state identified as Very High Fire Hazard Severity Zones, and, as necessary, make recommendations on revisions to said zones; and

WHEREAS, the Legislature enacted Section 1102.19 of the Civil Code requiring either, on or after July 1, 2021, any seller of any real property located in a High or Very High Risk Fire Hazard Severity Zone to provide a disclosure notice to any buyer of any real property stating the property is in compliance with a local vegetation management ordinance or for any buyer of real property to obtain said documentation when any seller of real property fails to provide the same; and

WHEREAS, Article XI, Section 7 of the California Constitution permits a City to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with the general laws, including imposing reasonable fees for services provided by the City.

The City Council of the City of Jackson does ordain as follows:

SECTION 1. Recitals. The above recitals are true and correct and hereby incorporated into this Ordinance.

SECTION 2. Amendment. Chapter 8.40 is hereby added to the City of Jackson Municipal Code as follows:

§ 8.40.010 Fire Hazard Severity Zones:

The City of Jackson – Amador County Local Responsibility Area Fire Hazard Severity Zones (Calfire Map March 10, 2025) is hereby adopted by the City for the purposes of identifying Moderate, High, and Very High Risk Areas within the Fire Hazard Severity Zones and for application of the provisions of Chapter 7A of the California Building Code, Materials and Construction Methods for Exterior Wildfire Exposure.

§ 8.40.020 Inspection Fees for Real Properties in High or Very High Risk Hazard Severity Zone:

If the City is requested or required to conduct any inspections of real property located in High or Very High Risk Hazard Severity Zones, the City may charge a fee for such inspections. The City Council shall set and update the fee by resolution.

SECTION 3. Maps. Pursuant Section 2 of this Ordinance, the maps attached as Exhibit A are hereby adopted.

SECTION 4. Posting. The City shall post a notice at the office of the Amador County Recorder, Amador County Assessor, and Amador County Planning Agency identifying the location of the Moderate, High, and Very High Fire Hazard Severity Zones in the CALFIRE MAP adopted pursuant to this Ordinance.

SECTION 5. Transmittal. The City shall transmit a copy of this Ordinance to the State Board of Forestry and Fire Protection within 30 days of adoption.

SECTION 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 7. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”), pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 8. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall publish or post the Ordinance in accordance with California Government Code section 36933.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on the 14th day of April, 2025, and **PASSED AND ADOPTED** by the City Council of the City of Jackson on 12th day of May, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

[SIGNATURES ON NEXT PAGE.]

Steve McLean
Mayor

ATTEST:

John Georgette
City Clerk

APPROVED AS TO FORM:

Joshua Nelson
City Attorney

Exhibit “A”