

## URGENCY ORDINANCE NO. 823

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY TEMPORARILY REPEALING AND REPLACING ARTICLE II ("MISCELLANEOUS FIRE CONTROL REGULATIONS"), ARTICLE III ("PROHIBITIONS"), AND ARTICLE V ("VIOLATIONS – PENALTY") OF CHAPTER 8.16 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING FIRE CONTROL REGULATIONS

Be it ordained by the Council of the City of Grass Valley:

SECTION 1. CODE AMENDMENT. Article II – Miscellaneous Fire Control Regulations, Article III – Prohibitions, and Article V – Violations – Penalty of Chapter 8.16 – Fire Control Regulations, are hereby repealed and replaced as set forth in Exhibit A attached to this Ordinance and incorporated by such reference.

SECTION 2. URGENCY FINDINGS. The Council finds that unless it adopts this ordinance to take urgent action, the Grass Valley Fire Department will lack the enforcement provisions it requires to protect against severe fire hazards caused by open burning and the widespread accumulation of combustible and flammable materials in the City limits. This urgency ordinance is necessary to immediately preserve the public peace, health, and safety.

SECTION 3. CEQA FINDINGS. As a purely administrative and regulatory action, this Ordinance will not affect the physical environment. This Ordinance is not a project within the meaning of California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations, Title 14, Section 15378 because it has no potential to result in physical change in the environment, directly or indirectly. Additionally and independently, it is exempt from CEQA review under CEQA Guidelines, California Code of Regulations, Title 14, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment and under CEQA Guidelines, California Code of Regulations, Title 14, Section 15269 as an emergency action.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this

Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 5. EFFECT OF AMENDMENTS. It is the intent of the City Council of the City of Grass Valley that the Grass Valley Municipal Code sections affected by this Ordinance shall not be considered repealed and reenacted in their amended form; that the portions which are not altered are to be considered as having been the law from the time when they were enacted; that the new provisions are to be considered as having been enacted at the time of the amendment; and that the omitted portions are to be considered as having been repealed at the time of the amendment.

SECTION 6. EFFECTIVE DATE. This Urgency Ordinance is adopted by 4/5th vote of the City Council and shall be in full force and effect immediately after its adoption pursuant to Article VII, § 2 (c) of the Grass Valley City Charter.

SECTION 7. PUBLICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the 25<sup>th</sup> day of April, 2023.

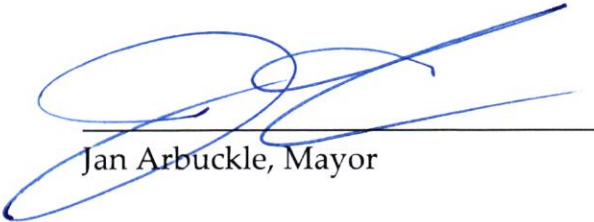
FINAL PASSAGE AND ADOPTION by the City Council was at a meeting thereof held on the 25<sup>th</sup> day of April, 2023, by the following vote:

AYES: Councilmember Branstrom, Caravelli, Iuy, & Mayor Arbuckle

NOES: None


ABSENT: Vice Mayor Hodge

ABSTAINING: None

  
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Jan Arbuckle, Mayor

APPROVED AS TO FORM:

ATTEST

  
\_\_\_\_\_  
For Michael G. Colantuono, City Attorney

  
\_\_\_\_\_  
Taylor Day, City Clerk

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