

**BEFORE THE BOARD OF DIRECTORS OF THE TRUCKEE
FIRE PROTECTION DISTRICT OF NEVADA COUNTY**

ORDINANCE 01-2019

**AN ORDINANCE SETTING FORTH THE REQUIREMENT OF WILDFIRE RISK
DISCLOSURE AND DEFENSIBLE SPACE INSPECTIONS AND PROVIDING FOR
ENFORCEMENT OPTIONS AND PENALTIES**

WHEREAS, Truckee Fire Protection District is a Fire Protection District organized and existing pursuant to Health and Safety Code Sections 13800 and following., and

WHEREAS, the Board of Directors of the Truckee Fire Protection District ratifies and affirms the findings and purpose of Truckee Fire Protection District Ordinance 02-2012, and

WHEREAS, In the Truckee Fire Protection District wildfire threatens the forests, homes and structures and is identified by Cal Fire as a Very High Fire Severity Zone, and

WHEREAS, the Truckee Fire Protection District has found that purchasers of properties are often surprised to learn that their recently acquired property does not comply with defensible space requirements set forth in Public Resources Code 4291 and Truckee Fire Protection District Ordinance 02-2012, and

WHEREAS, there is a need to inform the Buyers of the State and Local requirements to have defensible space for the property(s), in order to protect and benefit themselves, their neighborhood, and the community a defensible space inspection will be required upon a sale, transfer, or exchange of ownership of real property.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE TRUCKEE FIRE PROTECTION DISTRICT OF NEVADA COUNTY AS FOLLOWS:

1. All of the above recitals are true and correct.
2. Prior to the sale, transfer, or exchange of ownership of any real property within the jurisdictional boundaries of the Truckee Fire Protection 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.
3. Prior to the sale, transfer, or exchange of ownership of any real property within the jurisdictional boundaries of the Truckee Fire Protection District, such real property shall be required to have a defensible space inspection following the requirements of PRC 4291 and Truckee Fire Protection District Ordinance 02-2012.
4. Meeting the requirements of section 3 shall be at Truckee Fire District's discretion if the real property has been inspected and found to be in compliance with PRC 4291 and Truckee Fire Protection District Ordinance 02-2012 within 3 years of the transfer of ownership. The sale of condominium/townhomes shall not be required.

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5. Meeting the requirements of section 3 shall be at Truckee Fire District's discretion if the real property has been inspected and found to be in compliance with PRC 4291 and 02-2012 within 3 years by an authorized HOA defensible space inspector, other than Fire District personnel. Authorized HOA's are those that have defensible space inspectors trained and approved by the Fire District to evaluate a properties compliance with PRC 4291 and Truckee Fire Protection District Ordinance 02-2012.

6. If the accumulation of snow or other conditions prevent the full inspection to occur prior to the transfer of ownership, the Fire District or HOA will provide a partial inspection of the property based on what they can determine at the time of escrow. The inspector will note a follow-up inspection date based on when they believe the conditions will allow a full inspection. The partial inspection will meet the requirements of Section 3.

7. Subject to Sections 4, 5 & 6 of this Ordinance, failure to obtain a defensible space inspection shall be punishable as a misdemeanor, and a possible fine of \$1000.00 per day of violation and/or up to 90 days in jail.

8. Miscellaneous:
 - A. This Ordinance shall apply regardless of whether a title company is involved. A courtesy copy shall 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 Truckee Fire Protection District.

PASSED AND ADOPTED at a duly held meeting of the Board of Directors of the Truckee Fire Protection District of Nevada County on DATE, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attested by: _____
 Joyce Engler, Administrative Officer/Clerk of the Board

Dated: DATE, 2019