

**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 human life and 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 their 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, Sellers of 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 Protection 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

Truckee Fire Protection District

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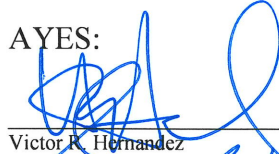
transfer of ownership. The inspection for sale of individual condominium/townhomes shall not be required.

5. Meeting the requirements of section 3 shall be at Truckee Fire Protection 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 Homeowner's Association ("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 property's 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 partial or full inspection on an approved Truckee Fire Protection District inspection form will satisfy the requirements of Section 3.
7. Subject to Sections 4, 5 & 6 of this Ordinance, failure of the Seller 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.
 - B. Involuntary transactions like foreclosures will be exempt from this ordinance.
 - C. Preferably, the request for inspection will be placed by the Seller or Sellers agent through the Truckee Fire web site (TruckeeFire.org) "Request a Defensible Space Inspection" form. Completed inspections will be transmitted back to the seller by email in a reasonable amount of time (usually less than 3 business days). Sellers may also choose to request an inspection by phone to the District at (530) 582-7850.
 - D. Once a property enters escrow the Title Insurance company may go to Truckee Fire web site (TruckeeFire.org) and use the "Request a Defensible Space Inspection" button and complete the request form. Completed inspections will be transmitted back to the Title Company by email in a reasonable amount of time (usually less than 3 business days). Title Insurance Companies may alternatively choose to request an inspection by phone to the District at (530) 582-7850.
 - E. Title Insurance Companies will provide the completed inspection form to buyers.

- F. This Ordinance shall take effect and be in force from and after its approval required by law, until it is amended, suspended, and/or rescinded by the Board of Directors.
- G. If any fee, word, or provision of this Ordinance, including Exhibit A or any portion thereof, is found by a court of competent jurisdiction to be invalid, then the offending portion shall be severed from the remaining provision of this Ordinance, which shall remain in full force and effect.

PASSED AND ADOPTED at a duly held meeting of the Board of Directors of the Truckee Fire Protection District of Nevada County on February 19, 2019, by the following vote:


AYES:



 Victor R. Hernandez



 Gerald W. Herrick



 Erin E. Prado



 Gary R. Botto

NOES:

ABSENT:

Paul D. Wilford

ABSTAIN:

Attested by:



 Joyce Engler, Administrative Officer/Clerk of the Board

Dated: February 19, 2019