

ORDINANCE NO. 759

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA, STATE OF CALIFORNIA, ESTABLISHING A TEMPORARY STAY ON THE ISSUANCE OF PERMITS RELATING TO THE REMOVAL OF FIRE DAMAGED DEBRIS, DEMOLITION, RECONSTRUCTION, AND TEMPORARY OCCUPANCY ON PRIVATE PROPERTY THAT SUFFERED DAMAGE DUE TO THE FAWN FIRE

The Board of Supervisors of the County of Shasta, State of California, ordains as follows:

SECTION 1.

Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts.

1. More than 200 residential and other structures were destroyed or damaged due to the Fawn Fire.
2. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential and commercial structure fires can contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.
3. The combustion of building materials such as siding, roofing tiles, and insulation can result in dangerous ash that contains asbestos, heavy metals, and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have also burned in the fire, also producing hazardous materials.
4. Exposure to hazardous substances may lead to acute and chronic health effects and may potentially cause long term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.
5. On September 28, 2021, pursuant to California Health and Safety Code sections 101075 through 101095 and 101040, the County Health Officer issued a "Proclamation of a Local Health Emergency" due to the threats to public health posed by the Fawn Fire (the "Order").

6. It is essential that this ordinance become immediately effective in order to mitigate the harm that could be caused to the public health and safety and to the environment from improper disturbance, removal and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Fawn Fire.

SECTION 2.

Hold on Permits Relating to Debris Removal, Demolition, Reconstruction, and Temporary Occupancy.

Any permit for which an application has been submitted to the County of Shasta relating to debris removal, demolition, or reconstruction of any structure on private property that suffered damaged due to the Fawn Fire, or temporary occupancy on private property that suffered damage due to the Fawn Fire, shall be held in abeyance and not acted upon until after October 19, 2021, which date may be extended or shortened by and upon issuance of an order of the Shasta County Health Officer.

SECTION 3.

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

SECTION 4.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION 5.

This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 5th day of October, 2021, by the Board of Supervisors, County of Shasta, State of California, by the following vote:

AYES: Supervisors Jones, Chimenti, Moty, and Rickert
NOES: None
ABSENT: Supervisor Baugh
ABSTAIN: None
RECUSE: None



JOE CHIMENTI, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MATTHEW P. PONTES
Clerk of the Board of Supervisors

By  _____
Deputy