

ORDINANCE NO. 631

AN ORDINANCE AMENDING SECTION 8.36.010, AND
ADDING SECTION 8.36.020 AND SECTION 8.36.030 OF
CHAPTER 8.36 TO TITLE 8 OF THE MUNICIPAL CODE
OF THE CITY OF WOODLAKE, UPDATING
RESTRICTIONS ON OPEN BURNING AND
ASSOCIATED PENALTIES FOR VIOLATIONS

THE CITY COUNCIL OF THE CITY OF WOODLAKE DOES ORDAIN AS
FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are intended in order to promote the public health, safety, comfort and general welfare of the community by minimizing the potential of public nuisance and fire hazards by adding additional restrictions and clarification to the open burning ordinance.

Section 2. CODE ENACTMENT. Section 8.36.010 within Title 8, Chapter 8.36 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

SECTION 8.36.010: Restricted.

1. No person shall kindle or maintain any bonfire or shall knowingly furnish the material for any such fire or authorize any such fire to be kindled or maintained, or shall burn or incinerate any material, refuse or rubbish of any kind, on or in any street, alley, road, lane or public grounds, or upon any private property lot.
2. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fire hazardous shall be prohibited.
3. Open burning in violation of the rules or regulations promulgated by the San Joaquin Valley Air Pollution Control District.
4. The fire code official or designee is authorized to order, or effect the immediate extinguishment of any open burning when in the opinion of the fire code official or designee it is reasonably necessary for safety and protection of life and health, and may issue administrative citations and seek to recover cost in accordance with Chapter 8.28 Nuisance, section 8.28.050

SECTION 8.36.020: Allowed.

1. Outdoor cooking fires

- a. All cooking fires shall be in constant attendance, located an adequate distance away from a structure or combustible material and have adequate means available to extinguish a fire.
- b. Cooking fires operated at a one or two family dwelling used for preparing food for human consumption do not require a permit and are permitted by this chapter.
- c. When using a barbecue, grill and/or pit barbecue in a commercial setting, a conditional use permit shall be obtained and operations shall be in compliance with the California Fire Code and Tulare County Health Department.

2. Outdoor fireplace.

Outdoor fireplaces are allowed if they comply with the following conditions:

- a. Shall not be used on a "wood burning device use prohibited" day as determined by the San Joaquin Valley Air Pollution Control District.
- b. Fuel is to be clean, dry wood and/or charcoal without coatings or preservatives. No debris, trash, garbage, demolition materials or yard waste shall be burned.
- c. The fire is contained in a fire bowl, fire pit, chiminea or outdoor fireplace that has a fire area not larger than three (3) feet in diameter and one (1) foot in height.
- d. A homemade fire bowl or pit is permitted if the fire area is not larger than three feet in diameter and one foot in height, and constructed of noncombustible material that contains the fire and its embers.
- e. An outdoor fireplace shall not be operated within 15 feet of a structure or combustible material. Exception: Outdoor fireplaces used at one and two family dwellings.
- f. Conditions such as dry weeds or other hazards that are nearby or may cause a fire to spread from the outdoor fireplace shall be eliminated prior to ignition.

SECTION 8.36.030: Violation - Penalty.

In addition to any other remedy authorized by this chapter, applicable law, or any violation adopted by the State Fire Marshal Pursuant Section 13000 et seq., shall

be subject to an administrative penalty, enforcement, and collection proceeding, as set forth in this chapter and authorized by Section 53069.4 of the California Government Code. A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of this chapter or of any regulation adopted pursuant to this chapter.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Woodlake, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Woodlake hereby declares that it would have adopted each section, subsection,

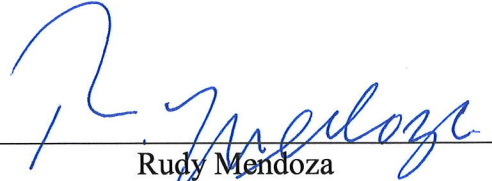
subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

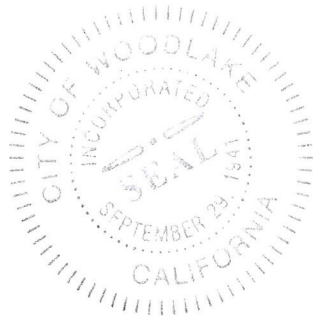
Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Foothill Sun Gazette, a newspaper printed and published in the City of Woodlake, State of California, together with the names of the Council members voting for and against the same.

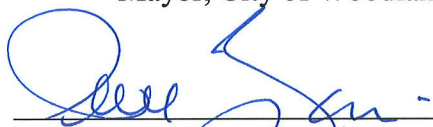
THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Woodlake, State of California, on January 13, 2020 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: Mendoza, Ortiz, Martinez & Valero
NOES:
ABSTAIN:
ABSENT: Gonzalez



Rudy Mendoza
Mayor, City of Woodlake



ATTEST: 

Irene Zacarias
City Clerk