

1 **WHEREAS**, the City of Chico has several WUI areas including along the eastern sections
2 of the City, Lindo Channel, Sycamore Creek, Little and Big Chico Creeks, and Upper and Lower
3 Parks that act as gateways for fire encroaching into developed areas or pushing up into the foothills
4 affecting other vulnerable communities;

5 **WHEREAS**, vegetation fires not in WUI areas as well as structure fires that can
6 significantly affect families, businesses, infrastructure and historical or cultural sites;

7 **WHEREAS**, greater use of public lands and rights-of-way by the general public and
8 unhoused/homeless individuals who occupy public places throughout the City (e.g., open spaces,
9 creeks, parks, public open spaces, vacant lots, etc.) introduces greater risks of destructive WUI and
10 structure fires;

11 **WHEREAS**, winter rains promote new vegetation growth in public parks and property,
12 which subsequently dries out and becomes highly flammable during the dry season;

13 **WHEREAS**, the new vegetation growth rapidly dries out and becomes extremely
14 flammable and constitutes a significant fire risk;

15 **WHEREAS**, open burns on public property and public rights-of-ways, or in locations
16 where conditions can cause the spread constitute an immediate threat to the public peace, welfare,
17 health, and safety and this Emergency Ordinance is necessary to preserve and mitigate risks to the
18 public peace, welfare, health, and safety;

19 **WHEREAS**, the City of Chico has experienced numerous fires linked to individuals using
20 outdoor warming appliances and barbeques, which often occur in areas that are difficult for
21 emergency responders to access and limit the City's ability to effectively respond; and

22 **WHEREAS**, it is necessary to enact this Emergency Ordinance before the fire conditions
23 become dangerous in order to provide adequate notice to the public and more effective regulations
24 to mitigate the aforementioned extreme fire risks.

25 **NOW THEREFORE BE IT ORDAINED** by the Council of the City of Chico:

26 **SECTION 1.** The City Council of the City of Chico hereby determines and finds that the
27 facts set forth in the above recitals are true and correct and incorporated herein as substantive
28 findings that this Emergency Ordinance adopted pursuant to the authority set forth under Chico

1 City Charter Section 612 is necessary in order to preserve the public peace, welfare, health or
2 safety.

3 **SECTION 2.** Section 9.35 is hereby added to Title 9 of the Chico Municipal Code as
4 follows:

5 **Chapter 9.35 Outdoor Warming Appliances with Open Flame**

6
7 **9.35.010 Applicability.**

8 **9.35.020 Allowable Location.**

9 **9.35.030 Required Clearances.**

10 **9.35.040 Container Specifications.**

11 **9.35.050 Cover and Screen.**

12 **9.35.060 Fuel Restrictions.**

13 **9.35.070 Supervision.**

14 **9.35.080 Fire Extinguishing Equipment.**

15 **9.35.090 Smoke and Nuisance Prevention.**

16 **9.35.100 Red Flag Warning Days.**

17 **9.35.110 Violation – Penalty.**

18 **9.35.010 Applicability.**

19 This chapter shall apply to the use of outdoor warming appliances that use an open
20 flame.

21 **9.35.020 Allowable Locations.**

22 The use of outdoor warming appliances shall be limited to private property or in a
23 city park as allowed under section 12.18.230.

24 **9.35.030 Required Clearances.**

25 The outdoor warming appliance shall not be used on a combustible surface and
26 shall not be within 15 feet of any structure or combustible material. Use is limited to open
27 air and shall not be used under a cover or roof.

28 **9.35.040 Container Specifications.**

Outdoor warming fires shall be contained in a steel or stone container explicitly
designed for such use, with a maximum diameter of 36 inches. Burn barrels are prohibited.

9.35.050 Cover and Screen.

The warming appliance shall be covered with a noncombustible screen with a

1 minimum opening dimension of ½ inch by ½ inch. The screen shall completely cover the
2 top of the container.

3 **9.35.060 Fuel Restrictions.**

4 Outdoor warming appliances shall be gas or wood-fueled. Only dry and clean wood
5 shall be used for wood-fueled appliances. Painted or treated wood, rubbish, waste,
6 vegetation, leaves, or tree clippings are prohibited as fuel.

7 **9.35.070 Supervision.**

8 Outdoor warming appliances shall not be left unattended and shall be supervised
9 until the fire is completely extinguished.

10 **9.35.080 Fire Extinguishing Equipment.**

11 A portable fire extinguisher with a minimum 4-A rating, or other approved fire-
12 extinguishing equipment such as dirt, sand, a water barrel, garden hose, or a water truck,
13 shall be readily available on-site for immediate use.

14 **9.35.090 Smoke and Nuisance Prevention.**

15 The fire shall not produce excessive smoke, nor shall it cause a nuisance by
16 affecting nearby homes, businesses, or public roads with smoke or ash.

17 **9.35.100 Red Flag Warning Days.**

18 Outdoor warming appliances using wood fuel shall not be used on days that are
19 determined as Red Flag Warning days by the National Weather Service.

20 **9.35.080 Violation – Penalty.**

21 Any person violating any of the provisions of this chapter shall be guilty of a
22 misdemeanor or an infraction enforced by the filing of a criminal action by the city attorney
23 or the issuance of an administrative citation in accordance with Chapter 1.15 of this Code.

24
25 **SECTION 3.** Section 9.36 is hereby added to Title 9 of the Chico Municipal Code as
26 follows:

27 **Chapter 9.36 Outdoor Barbeques**

- 9.36.010 **Applicability.**
- 9.36.020 **Allowable Location.**
- 9.36.030 **Required Clearances.**
- 9.36.040 **Container Specifications.**
- 9.36.050 **Supervision.**
- 9.36.060 **Fire Extinguishing Equipment.**
- 9.36.070 **Smoke and Nuisance Prevention.**
- 9.36.080 **Violation – Penalty.**

9.36.010 **Applicability.**

This chapter shall apply to the use of any outdoor barbeques.

9.36.020 **Allowable Locations.**

The use of outdoor barbeques shall be limited to use on private property or in a park as allowed under section 12.18.230. The use of barbeques on public property or in public right of way is prohibited without a permit in accordance with the California Fire Code Section 105.

9.36.030 **Required Clearances.**

Outdoor barbeques shall not be operated on a combustible surface and shall not be within 10 feet of any structure or combustible material. Use is limited to open air and shall not be operated under a cover or roof.

Charcoal-fueled or open-flame barbeques shall not be operated on a combustible balcony that is not protected by an automatic fire sprinkler system.

9.36.040 **Container Specifications.**

Barbeques shall be designed for their intended use. The open-flame portion shall be contained within the barbeque and shall not extend outside of the barbeque unit at any time.

9.36.050 **Supervision.**

Barbeques shall not be left unattended until the open flame is extinguished.

9.36.060 **Fire Extinguishing Equipment.**

A portable fire extinguisher with a minimum 4-A rating, or other approved fire-extinguishing equipment such as dirt, sand, a water barrel, garden hose, or a water truck,

1 shall be readily available on-site for immediate use.

2 **9.36.070 Smoke and Nuisance Prevention.**

3 The barbeque shall not produce excessive smoke, nor shall it cause a nuisance by
4 affecting nearby homes, businesses, or public roads with smoke or ash.

5 **9.36.080 Violation – Penalty.**

6 Any person violating any of the provisions of this chapter shall be guilty of a
7 misdemeanor or an infraction enforced by the filing of a criminal action by the city attorney
8 or the issuance of an administrative citation in accordance with Chapter 1.15 of this Code.

9
10 **SECTION 4.** Section 16R.42.070 of the Chico Municipal Code is hereby amended as
11 follows:

12 **16R.42.070 Prohibition on fires and flames – Fires and flames exempt from**
13 **prohibitions.**

14 The following fires or the following devices and equipment which utilize a fire or
15 flame shall be permitted within the City provided such fires or flames are ignited or
16 maintained or such device and equipment is installed, possessed or used in accordance with
17 any applicable requirements of the CFC:

18 A. Matches and lighters;

19 B. Fireplaces, indoor and outdoor, in accordance with chapter 8.32;

20 C. Outdoor warming appliance as allowed by chapter 9.35;

21 ~~CD.~~ Indoor Cooking devices, including barbecues; ~~indoor and outdoor,~~

22 E. Outdoor barbecues as allowed in chapter 9.36;

23 ~~DE.~~ Furnaces and other indoor heating devices which utilize natural gas, liquid
24 petroleum or wood, and are used for residential purposes;

25 ~~EG.~~ Sewer gas at the site of the City's sewer plant;

26 ~~FH.~~ Tar pots and similar devices used for roofing and other construction and repair
27 uses wherein the tar is customarily used as a sealant, provided, however, that such devices
28

1 and equipment shall be used only at the site of the construction or repair work and at a
2 permanent location; and

3 ¶. Candles, torches and similar devices used on or within residential premises for
4 decorative purposes only.

5 **SECTION 5.** This Emergency Ordinance is exempt from the California
6 Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) –
7 Common Sense Exemption because the Emergency Ordinance can be seen with certainty that there
8 is no possibility that the amendment to the City’s Municipal Code may have a significant effect
9 on the environment. In addition, this Emergency Ordinance is not a “project” as defined in Section
10 15378 of the CEQA Guidelines. The Emergency Ordinance restricts certain activities that
11 endanger the public health, safety, and welfare.

12 **SECTION 6.** If any section, subsection, sentence, clause, portion, phrase or word of this
13 Emergency Ordinance is for any reason held to be illegal, invalid, or unconstitutional by a court
14 of law, such decision shall not affect the validity of the remaining portions of this Emergency
15 Ordinance. The City Council hereby declares that it would have passed this Emergency Ordinance
16 and each section, subsection, sentence, clause, portion, phrase or word hereof, irrespective of the
17 fact that any one or more sections, subsections, sentences, clauses, portions, phrases be illegal,
18 invalid, or unconstitutional.

19 **SECTION 7.** The City of Chico City Council finds that an emergency ordinance is
20 necessary to preserve the public peace, welfare, health or safety. Therefore, pursuant to Section
21 612 of the Chico City Charter, this Emergency Ordinance will be effective immediately for 180
22 days from the date of adoption or until such time that this Emergency Ordinance is superseded by
23 ordinance of the City Council, whichever is sooner.

24 **SECTION 8.** The City Clerk shall certify to the passage and adoption of this Emergency
25 Ordinance and shall cause the same to be published or posted in the manner required by law.

26
27
28 *[Signatures on the following page]*

1 **THE FOREGOING ORDINANCE WAS ADOPTED** at a meeting of the City Council
2 of the City of Chico held on May 6, 2025, by the following vote:

3 AYES: Goldstein, Hawley, O'Brien, van Overbeek, Bennett, Reynolds


4 NOES: Winslow

5 ABSENT: None

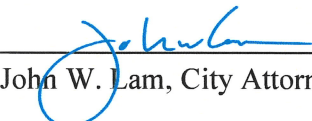
6 ABSTAINED: None

7 DISQUALIFIED: None

8
9 ATTEST:

10 
11 _____
12 Deborah R. Presson
13 City Clerk

APPROVED AS TO FORM:

14 
15 _____
16 John W. Lam, City Attorney*
17 *Pursuant to The Charter of
18 the City of Chico, Section 906(E)