

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

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

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

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

11 **WHEREAS**, open burns on public property and public rights-of-ways, or in locations
12 where conditions can cause the spread constitute an immediate threat to the public peace, welfare,
13 health, and safety and this Ordinance is necessary to preserve, protect, and mitigate risks to the
14 public peace, welfare, health, and safety; and

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

18
19 **NOW THEREFORE BE IT ORDAINED** by the Council of the City of Chico:

20 **SECTION 1.** The City Council of the City of Chico hereby determines and finds that the
21 facts set forth in the above recitals are true and correct and incorporated herein as substantive
22 findings.

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

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

- 26 9.35.010 Applicability.
27 9.35.020 Allowable Location.
28 9.35.030 Required Clearances.
 9.35.040 Container Specifications.

- 1 9.35.050 Cover and Screen.
- 2 9.35.060 Fuel Restrictions.
- 3 9.35.070 Supervision.
- 4 9.35.080 Fire Extinguishing Equipment.
- 5 9.35.090 Smoke and Nuisance Prevention.
- 6 9.35.100 Red Flag Warning Days.
- 7 9.35.110 Violation – Penalty.

8 **9.35.010 Applicability.**

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

10 **9.35.020 Allowable Locations.**

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

13 **9.35.030 Required Clearances.**

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

17 **9.35.040 Container Specifications.**

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

20 **9.35.050 Cover and Screen.**

21 The warming appliance shall be covered with a noncombustible screen with a minimum
22 opening dimension of ½ inch by ½ inch. The screen shall completely cover the top of the
23 container.

24 **9.35.060 Fuel Restrictions.**

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

28 **9.35.070 Supervision.**

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

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9.35.080 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, shall be readily available on-site for immediate use.

9.35.090 Smoke and Nuisance Prevention.

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

9.35.100 Red Flag Warning Days.

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

9.35.080 Violation – Penalty.

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

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

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

1 way is prohibited without a permit in accordance with the California Fire Code Section 105.

2 **9.36.030 Required Clearances.**

3 Outdoor barbeques shall not be operated on a combustible surface and shall not be within
4 10 feet of any structure or combustible material. Use is limited to open air and shall not be
5 operated under a cover or roof. Charcoal-fueled or open-flame barbeques shall not be operated
6 on a combustible balcony that is not protected by an automatic fire sprinkler system.

7 **9.36.040 Container Specifications.**

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

10 **9.36.050 Supervision.**

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

12 **9.36.060 Fire Extinguishing Equipment.**

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

16 **9.36.070 Smoke and Nuisance Prevention.**

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

19 **9.36.080 Violation – Penalty.**

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

23 **SECTION 4.** Section 16R.42.070 of the Chico Municipal Code is hereby amended as
24 follows:

25 **16R.42.070 Prohibition on fires and flames – Fires and flames exempt from**
26 **prohibitions.**

27 The following fires or the following devices and equipment which utilize a fire or flame
28 shall be permitted within the City provided such fires or flames are ignited or maintained or such

1 device and equipment is installed, possessed or used in accordance with any applicable
2 requirements of the CFC:

- 3 A. Matches and lighters;
- 4 B. Fireplaces, indoor and outdoor, in accordance with Chapter 8.32;
- 5 C. Outdoor warming appliance as allowed by Chapter 9.35;
- 6 D. Indoor cooking devices, including barbecues;
- 7 E. Outdoor barbecues as allowed in Chapter 9.36;
- 8 F. Furnaces and other indoor heating devices which utilize natural gas, liquid petroleum
9 or wood, and are used for residential purposes;
- 10 G. Sewer gas at the site of the City's sewer plant;
- 11 H. Tar pots and similar devices used for roofing and other construction and repair uses
12 wherein the tar is customarily used as a sealant, provided, however, that such devices and
13 equipment shall be used only at the site of the construction or repair work and at a permanent
14 location; and
- 15 I. Candles, torches and similar devices used on or within residential premises for
16 decorative purposes only.

17 **SECTION 5.** This Ordinance is exempt from the California Environmental Quality Act
18 ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption
19 because it can be seen with certainty that there is no possibility that the Ordinance may have a
20 significant effect on the environment. In addition, this Ordinance is not a "project" as defined in
21 Section 15378 of the CEQA Guidelines. The Ordinance restricts certain activities that endanger
22 the public health, safety, and welfare.

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

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SECTION 7. This Ordinance shall take effect thirty (30) days after its adoption by the City Council. Upon adoption, this Ordinance shall supersede that certain Emergency Ordinance identified as Ordinance No. 2611 adopted pursuant to Chico City Charter Section 612 on May 6, 2025.

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

THE FOREGOING ORDINANCE WAS ADOPTED at a meeting of the City Council of the City of Chico held on May 20, 2025, 2025 by the following vote:


- AYES: **Goldstein, Hawley, O'Brien, van Overbeek, Bennett, Reynolds**
- NOES: **Winslow**
- ABSENT: **None**
- ABSTAIN: **None**
- DISQUALIFIED: **None**

ATTEST:

APPROVED AS TO FORM:



Deborah R. Presson
City Clerk



John W. Lam, City Attorney*
*Pursuant to the Charter of the City of Chico, Section 906(E)