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**TOWN OF PARADISE
URGENCY ORDINANCE NO. 600**

**AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF PARADISE REPEALING URGENCY ORDINANCE NO. 598
AND ADOPTING NEW URGENCY ORDINANCE RELATING TO INTERIM
HOUSING, ACCESSORY BUILDING(S) AND UNOCCUPIED RECREATIONAL
VEHICLE INSIDE THE CAMPFIRE AREA**

The Town Council of the Town of Paradise does ordain as follows:

Section 1. Ordinance No. 598 is hereby repealed.

The Town Council of the Town of Paradise does ordain as follows:

Section 2. Emergency Findings.

This Urgency Ordinance is adopted pursuant to California Government Code Section 36934 and shall take effect immediately upon its approval by at least a four-fifths vote of the Town Council. The Council, based on determinations of the Butte County Local Health Officer, finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon facts set forth in Section 3 of this Ordinance.

Section 3.

A. Conditions of extreme peril to the safety of persons and property within the Town of Paradise were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Town Council was not in session.

B. California Government Code Section 8630 empowers the Town Director of Emergency Services (Director) to proclaim the existence of a local emergency when the Town is affected or

1 likely to be affected by a public calamity, subject to
2 ratification by the Town Council at the earliest practicable
3 time.

4 C. On November 8, 2018, the Director proclaimed the existence of
5 a local emergency within the Town due to the Camp Fire.

6 D. On November 8, 2018, the Acting Governor of the State of
7 California proclaimed a State of Emergency for Butte County
8 pursuant to the California Emergency Services Act, commencing
9 with Section 8550 of the Government Code, and on November 14,
10 2018, the Governor issued Executive Order B-57-18 concerning
11 the Camp Fire.

12 E. On November 9, 2018, the Camp Fire was still burning through
13 the Town and despite firefighters' best efforts, the wildfire
14 was not contained. Evacuation orders were in place and
15 numerous severe public health and safety hazards were present
16 in the Camp Fire area, including many blocked roads from
17 fallen power lines, burned trees and vehicles, numerous
18 burned vehicles were left throughout the Camp Fire area due
19 to survivors fleeing their vehicles in efforts to survive the
20 wildfire, no available utilities, no available public
21 services and the presence of human remains and animal
22 carcasses. At the time, the Town estimated that 2,000
23 structures had burned in the Camp Fire.

24 F. On November 9, 2018, Dr. Andrew Miller, Butte County's Local
25 Health Officer, issued a Declaration of Health Emergency
26 pursuant to California Health and Safety Code section 101080.

1 Dr. Miller's declaration stated that the local health
2 emergency was a consequence of the debris resulting from the
3 Camp Fire that contains hazardous material in the ash of the
4 burned qualifying structures. The purpose of the Declaration
5 was to address the immediate threat to the public health and
6 the imminent and proximate threat of the introduction of
7 contagious, infectious or communicable disease, chemical
8 agents, non-communicable biologic agents, toxins and/or
9 radioactive agents present at the time in the Camp Fire area.
10 The threats included (1) the enormous amount of fire debris
11 present in the Camp Fire area, including ash and debris
12 containing hazardous materials and probable radioactive
13 materials present in ash and debris from qualifying
14 structures, (2) the threat of infectious or communicable
15 disease and/or non-communicable biologic agents due to animal
16 carcasses, radioactive waste and perishable foods, (3) the
17 potential contamination or destruction of the residential and
18 commercial water supply in the Camp Fire area and (4) the
19 potential pollution of the drinking water downstream from the
20 Camp Fire area if weather conditions caused the spread of the
21 hazardous materials in the ash and debris of burned qualifying
22 structures.

23 G. On November 12, 2018, the President of the United States
24 declared the existence of a major disaster in the State of
25 California, thereby providing assistance from many federal
26

1 agencies, including the Federal Emergency Management Agency
2 (FEMA).

3 H. On November 13, 2018, the Butte County Board of Supervisors
4 ratified Dr. Miller's Declaration of Health Emergency.

5 I. On November 21, 2018, the status of the Camp Fire area was as
6 follows: firefighters had contained the Camp Fire; the
7 Sheriff had lifted evacuation orders; work crews had removed
8 fallen power lines, burned vehicles and trees blocking the
9 roads; utilities including electric power, gas and non-
10 potable water had become available; no local businesses were
11 open to serve the public; and no public services were
12 available. Further, preliminary actions had been taken to
13 mitigate the risk from animal carcasses, radioactive waste
14 and perishable foods in the Camp Fire area, however, concerns
15 regarding the threats remained. The public health hazards
16 present in the Camp Fire area included (1) the public health
17 hazards from the enormous amount of fire debris, (2) the
18 public health hazard from the hazardous materials and
19 probable radioactive materials present in the ash and debris
20 from destroyed qualifying structures, (3) the threat of
21 infectious or communicable disease and/or non-communicable
22 biologic agent due to the presence of animal carcasses,
23 perishable foods and radioactive waste and (4) the potential
24 pollution of the drinking water downstream from the Camp Fire
25 area if weather conditions caused the spread of the hazardous
26 materials in the ash and debris of burned qualifying

1 structures. At the time, the Camp Fire had destroyed thousands
2 of structures.

3 J. On November 21, 2018, Dr. Miller issued a Hazard Advisory
4 strongly suggesting residents should not reside on property
5 with qualifying structures damaged or destroyed by the Camp
6 Fire until the property had been cleared of hazardous waste,
7 ash and debris and certified clean by the County Department
8 of Public Health, Environmental Health Division. The County
9 Department of Public Health provided residents with re-entry
10 packets which included personal protective equipment and
11 information on the dangerous conditions and toxic materials
12 present in the Camp Fire area. The re-entry packets were
13 intended to improve the safety of the residents who chose to
14 visit their properties to collect valuables and not intended
15 to encourage long-term visitation or habitation. The purpose
16 of the Hazard Advisory was to address the public health
17 hazards present at the time in the Camp Fire area, including
18 (1) the enormous amount of fire debris present in the Camp
19 Fire area, (2) the hazardous materials and probable
20 radioactive materials present in ash and debris from
21 qualifying structures, (3) the lessened but still present
22 threat of infectious or communicable disease and/or non-
23 communicable biologic agents due to animal carcasses,
24 radioactive waste and perishable foods, (4) the potential
25 contamination or destruction of the residential and
26 commercial water supply in the Camp Fire area and (5) the

1 potential pollution of the drinking water downstream from the
2 Camp Fire area if weather conditions caused the spread of the
3 hazardous materials in the ash and debris of burned qualifying
4 structures.

5 K. The Camp Fire to date has consumed 153,336 acres and has led
6 to the destruction of 13,696 residences, damage to 462
7 residences, the destruction of 276 multiple family
8 residences, the destruction of 528 commercial buildings,
9 damage to 102 commercial buildings, the destruction of 4,293
10 other minor structures, and resulted in the evacuation of
11 over 50,000 people. As a result, the Camp Fire has created an
12 enormous amount of debris.

13 L. There exists the potential for widespread toxic exposures and
14 threats to public health and the environment in the aftermath
15 of a major wildfire disaster, and debris and ash from
16 residential and commercial structure fires contain hazardous
17 materials and the harmful health effects of hazardous
18 materials produced by a wildfire are well-documented.

19 M. The combustion of building materials such as siding, roofing
20 tiles, and insulation results in dangerous ash that may
21 contain asbestos, heavy metals and other hazardous materials.
22 Household hazardous waste such as paint, gasoline, cleaning
23 products, pesticides, compressed gas cylinders, and chemicals
24 may have been stored in homes, garages, or sheds that may
25 have burned in the fire, also producing hazardous materials.
26

1 N. Exposure to hazardous materials may lead to acute and chronic
2 health effects and may cause long-term public health and
3 environmental impacts. Uncontrolled hazardous materials and
4 debris pose significant threats to public health through
5 inhalation of dust particles and contamination of drinking
6 water supplies. Improper handling can expose residents and
7 workers to toxic materials, and improper transport and
8 disposal of fire debris can spread hazardous substances
9 throughout the community.

10 O. Standards and removal procedures are needed immediately to
11 protect the public health and environment, and to facilitate
12 coordinated and effective mitigation of the risks to the
13 public health and environment from the health hazards
14 generated by the Camp Fire disaster.

15 P. The Camp Fire has created hazardous waste conditions in the
16 Town of Paradise in the form of contaminated debris from
17 household hazardous waste/materials and structural debris
18 resulting from the destruction of thousands of structures.
19 This hazardous waste debris poses a substantial present or
20 potential hazard to human health and the environment until
21 the property is certified clean. The accumulated exposure to
22 hazardous waste debris over an extended period of time poses
23 a severe hazard to human health.

24 Q. The Town of Paradise previously approved Ordinance No. 572,
25 Ordinance No. 573, Ordinance No. 575, and Ordinance No. 598
26 as urgency measures relating to the Camp Fire disaster

1 recovery on December 12, 2018, The actions addressed the need
2 for the regulation of debris removal to alleviate the public
3 health, safety and welfare concerns associated with the ash
4 and debris of qualifying structures and temporary emergency
5 housing options.

6 R. As of February 4, 2019, the status of the Camp Fire disaster
7 recovery **was** as follows: (1) Phase I cleanup by the U.S.
8 Environmental Protection Agency and the California Department
9 of Toxic Substances Control is complete, which has reduced
10 the public health concerns relating to the most hazardous
11 materials present in the Camp Fire area, (2) Phase II of the
12 cleanup pursuant to the Government (CalOES) Program and the
13 Alternative Program has commenced, (3) utilities are
14 available (except for potable water), (4) numerous businesses
15 have opened to serve the public, (5) public services are
16 available, including a FEMA and CalOES jointly-operated
17 Disaster Recovery Center in Paradise, California. Current
18 threats include (1) the enormous amount of fire debris present
19 in the Camp Fire area, (2) hazardous materials and probable
20 radioactive materials present in ash and debris from
21 qualifying structures, (2) the potential pollution of the
22 drinking water downstream from the Camp Fire area if weather
23 conditions caused the spread of the hazardous materials in
24 the ash and debris of burned qualifying structures. The
25 purpose of this Ordinance is to allow residents to live on
26 properties in the Camp Fire area that do not contain fire ash

1 and debris from a qualifying structure destroyed or damaged
2 by the Camp Fire.

3 S. The Debris Removal Operations Plan for the Camp Fire prepared
4 by the CalOES/CalRecycle Incident Management Team provides
5 that the DTSC has issued reports regarding the assessment of
6 burn debris from wildfires in the past. The studies of burned
7 residential homes and structures from large scale wildland
8 fires indicated that the resulting ash and debris can contain
9 asbestos and toxic concentrated amounts of heavy metals such
10 as antimony, arsenic, cadmium, copper, lead, and zinc
11 (qualifying structures). Additionally, the ash and debris may
12 contain higher concentrations of lead if the home was built
13 prior 1978 when lead was banned from household paint in the
14 United States. The reports indicated that the residual ash of
15 burned residential homes and structures has high
16 concentrations of heavy metals that can be toxic and can have
17 significant impact to individual properties, local
18 communities, and watersheds if the ash and debris is not
19 removed safely and promptly. The plan also indicates that the
20 purpose of the structural debris removal program is to remove
21 debris that poses a risk to health and/or the environment.
22 Debris from structures smaller than 120 square feet are not
23 included in the program.

24 T. The Butte County Local Health Officer Dr. Miller has indicated
25 that the Phase II cleanup of the properties containing ash
26 and debris from a qualifying structure mitigates the public

1 health hazards of the Camp Fire. Further, failing to clean
2 properties containing ash and debris from a qualifying
3 structure can have severely negative long term consequences
4 to the public health and environment. Therefore, the focus
5 must be on accomplishment of the Phase II cleanup to address
6 the public health hazards. The standard for determining when
7 a property is clean from ash and debris from a qualifying
8 structure is when the Phase II cleanup work is complete and
9 the property is certified clean by the County Department of
10 Public Health, Environmental Health Division. Ash and debris
11 of qualifying structures is the focus of the Phase II cleanup
12 work. The significance of the public health risks is higher
13 on properties with ash and debris from a qualifying structure.
14 Given the progress the Camp Fire disaster recovery has made
15 with respect to the hazards identified in the findings above,
16 the remaining significant public health hazard is the ash and
17 debris from qualifying structures. Based on the foregoing
18 properties that contain ash and debris from qualifying
19 structures constitute a significant public health risk.
20 Therefore, those properties should be ineligible for
21 temporary emergency housing until Phase II cleanup work is
22 completed on the property and is certified clean by the
23 Department of Public Health, Environmental Health Division.
24 Properties that do not contain ash and debris from a
25 qualifying structure do not pose a significant public health
26 risk and should be eligible for temporary emergency housing.

1 U. Due to the magnitude of the destruction, there is a need to
2 provide for sufficient housing options both inside and
3 outside of the Camp Fire affected area. Thus, on February 4,
4 2019, the Town of Paradise adopted Ordinance No. 575 that
5 repealed Ordinance No. 573 and established an ordinance that
6 temporarily relaxes some building and zoning regulations to
7 allow for additional interim housing both inside and outside
8 of the Camp Fire affected area for displaced persons.

9 V. There exists an immediate need to provide accessory buildings
10 to accommodate storage of personal property of persons
11 displaced by the Camp Fire who own Eligible Property that has
12 been certified clean pursuant to Phase II requirements by the
13 County Department of Public Health, Environmental Health
14 Division. This Ordinance temporarily relaxes some Town zoning
15 regulations to allow for establishment of an accessory
16 building on property both inside and outside of the Camp Fire
17 affected area for the displaced persons for the storage of
18 essential equipment necessary to the recovery from the
19 damages caused by the Camp Fire. Due to the magnitude of the
20 destruction and its related and significant impacts on
21 properties, there is a need to provide displaced property
22 owners with the option of constructing accessory buildings
23 both inside and outside of the Camp Fire affected area without
24 first obtaining building permits for primary residences on
25 their properties.
26

1 W. It is essential that this Ordinance become immediately
2 effective (1) to mitigate the harm that could be caused to
3 the public health and safety and to the environment from the
4 improper disturbance, removal and/or disposal of debris
5 containing hazardous materials, and to facilitate the orderly
6 response to the Camp Fire disaster; and (2) to allow the
7 fastest possible transition of homeless and displaced
8 residents to interim and long-term shelter; and (3) to allow
9 displaced persons who own Eligible Property certified clean
10 pursuant to Phase II requirements an option to establish an
11 accessory building on their property to better facilitate and
12 further expedite their property maintenance and storage of
13 essential equipment required to allow for the property
14 rebuild process.

15 **Section 4. Purpose.**

16 13,696 homes were destroyed by the Camp Fire in the Town of
17 Paradise and surrounding unincorporated areas. This disaster has
18 created a need for housing on a scale that cannot be accommodated
19 through the existing available housing in the Town. To meet the
20 immediate need for housing, the Town relaxed some building and
21 zoning regulations in a prior Ordinance to allow for additional
22 temporary housing. However, this additional temporary housing may
23 not be sufficient to meet the large and immediate need. This
24 Ordinance relaxes some building and zoning regulations to allow
25 for additional temporary housing inside the Camp Fire affected
26 area. Persons moving back to the area do so at their own risk and

1 should make themselves aware of the health hazards of doing so.
2 The Ordinance allows persons to place temporary housing as well as
3 temporary recreational vehicle storage on an Eligible Property.
4 This Ordinance also provides an option for affected property owners
5 to establish an accessory building on their Eligible Property
6 without first obtaining a building permit for a primary residence.
7 The purpose of this Ordinance is to develop reasonable standards
8 that allow persons to move back into the Camp Fire affected area
9 while a massive debris removal program is implemented and, at the
10 same time, provide interim shelter as well as an option of an
11 accessory building for property maintenance equipment and rebuild
12 materials storage for Town residents on private property during
13 this housing crisis.

14 **Section 5. Definitions.**

15 Except where the context clearly indicates otherwise, the
16 following definitions shall govern the construction of the words
17 and phrases used in this Ordinance:

18 **Accessory Building.** Any structure having a permanent foundation
19 and a roof supported by columns or walls designed, intended and/or
20 used for the protection and storage of personal property associated
21 with a permitted or conditionally permitted Principal Use on the
22 same site.

23 **Camp Fire.** A 153,336-acre wildfire that started near the community
24 of Pulga on November 8, 2018, destroying over 18,000 structures,
25 which forced the evacuation of the Town of Paradise, Berry Creek,
26 Butte Creek Canyon, Butte Valley, Centerville, Cherokee, Concow,

1 Durham, Forest Ranch, Magalia, Pulga, Stirling City, and Yankee
2 Hill, and other areas near the Cities of Chico and Oroville, and
3 proclaimed by the Town Council under Resolution 18-42, as a local
4 emergency, and also proclaimed by then Acting Governor Gavin Newsom
5 as a state of emergency. CAL FIRE maintains a map showing the final
6 boundaries of the Camp Fire and the Camp Fire affected area, as of
7 November 25, 2018 at 100 percent containment.

8 **Cargo Storage Container.** A single metal box made of steel or other
9 similar material, which is designed for securing and protecting
10 items for temporary storage, not exceeding three hundred twenty
11 (320) square feet in size, without utilities, and not used for
12 human habitation.

13 **Director.** The Town of Paradise Director of Emergency Services or
14 his or her authorized representative.

15 **Displaced Person(s).** A Town resident or residents whose
16 residential dwelling has been destroyed or damaged by the Camp
17 Fire, such that the resident(s) cannot occupy the dwelling.
18 Displaced person(s) may be required to provide verification to the
19 Town to substantiate their eligibility for uses, permits and/or
20 approvals described in this Ordinance. Evidence may consist of
21 verification by Federal Emergency Management Agency (FEMA)
22 registration or damage assessment, and/or a driver's license or
23 other government-issued identification card or utility bill, etc.
24 with a physical address showing the resident resided on a property
25 impacted by the Camp Fire, as determined by the Town. Such
26 determination may be made by the Director or other town personnel.

1 **Effective Date.** The date of the Town Council adoption of this
2 Ordinance.

3 **Eligible Property.** A property that does not contain fire debris or
4 hazardous materials from a qualifying structure that was damaged
5 or destroyed by the Camp Fire. Eligible Property shall include (1)
6 parcels with no resulting damage or fire debris from the Camp Fire
7 (2) parcels with fire debris from a structure that was not a
8 qualifying structure that was damaged or destroyed by the Camp
9 Fire and (3) parcels with fire debris or hazardous materials from
10 a qualifying structure that was damaged or destroyed by the Camp
11 Fire, only upon the issuance of a certificate that the parcel has
12 been cleaned pursuant to Phase II requirements by the County
13 Department of Public Health, Environmental Health Division.
14 Temporary housing and/or establishment of an accessory building
15 pursuant to this Ordinance shall be permitted as reflected in the
16 table below:
17

	Property not damaged by Camp Fire	Property with a non-qualifying structure damaged or destroyed by Camp Fire	Property with a qualifying structure damaged or destroyed by Camp Fire
Prior to completion of Phase II cleanup	Temporary housing allowed	Temporary housing allowed	Temporary housing prohibited

1	Following	Temporary	Temporary housing	Temporary housing
2	completion of	housing allowed	allowed	allowed
3	Phase II cleanup	Accessory	Accessory Building	Accessory
4	(property	Building	Allowed	Building Allowed
5	certified clean by	Allowed	Temporary	Temporary
6	the Department of		recreational	recreational
7	Public Health,		vehicle storage	vehicle storage
8	Environmental		allowed	allowed
9	Health Division)			

10

11 **FEMA.** The Federal Emergency Management Agency or successor agency.

12 **Fire Debris and Hazardous Materials.** Debris, ash, metals, and
 13 completely or partially incinerated substances from structures
 14 that are located on properties that qualify under the CalOES Debris
 15 Removal Program or the Butte County's Alternative Debris Removal
 16 Program.

17 **Movable Tiny House.** For the purposes of this Ordinance, a movable
 18 tiny house is a structure utilized as living quarters by one
 19 household that is licensed by and registered with the California
 20 Department of Motor Vehicles, meets the American National
 21 Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192)
 22 requirements and is certified by a qualified third party inspector
 23 for ANSI compliance, cannot move under its own power, is not longer
 24 than allowed by State law for movement on public highways, has a
 25 total floor area of not less than 150 square feet, and has no more
 26 than 430 square feet of habitable living space.

1 **Phase I.** The hazardous waste cleanup as defined and discussed in
2 Section 3, Debris Removal, above.

3 **Phase II.** The hazardous waste, fire debris and ash cleanup as
4 defined in Section 3, Debris Removal, above.

5 **Qualifying Structure.** A qualifying structure as defined and
6 discussed in Section 3, Debris Removal, above.

7 **Recreational Vehicle.** A motor home, travel trailer, truck camper
8 or camping trailer that is: (1) self-contained with potable water
9 and sewage tanks and designed for human habitation for recreational
10 or emergency occupancy; (2) self-propelled, truck-mounted, or
11 permanently towable on California roadways; and (3) a California
12 Department of Motor Vehicles licensed vehicle, or a similar vehicle
13 or structure as determined by the Director.

14 **Recreational Vehicle Park.** A commercial use providing space for
15 the accommodation of more than two recreational vehicles for
16 recreational or emergency housing, or for transient employee
17 lodging purposes.

18 **Temporary Dwelling.** A temporary dwelling includes a recreational
19 vehicle and a movable tiny house.

20 **Temporary Recreational Vehicle Storage.** The temporary storage of
21 an unoccupied recreational vehicle.

22 **Section 6. Initial use of temporary dwellings.**

23 Residential use and occupancy by displaced persons of up to two
24 (2) temporary dwellings on any Eligible Property that permits a
25 residential use or any parcel where a prior existing residence was
26 lost due to the Camp Fire shall be allowed for an initial term of

1 180 days from the date of this Ordinance was enacted subject to
2 the applicable requirements set forth under Section 8, Standards.

3 **Section 7. Temporary dwellings with utility hook-ups.**

4 Residential use and occupancy by displaced persons of one (1)
5 temporary dwelling, including any temporary dwellings allowed
6 under Sections 6 and 8 on an Eligible Property shall be allowed
7 until June 30, 2021, subject to a temporary use permit, and subject
8 to the applicable requirements set forth in Section 8. On and after
9 July 1, 2021, the continued occupancy of a temporary dwelling, as
10 authorized with a temporary use permit, or a new residential use
11 and occupancy by the property owner of a temporary dwelling
12 utilizing hook-ups for water, sewage disposal, and/or electricity
13 on an Eligible Property shall be allowed only until December 31,
14 2021 with a temporary use permit directly associated with one of
15 the following: 1) the issuance of a building permit for
16 construction of the permanent dwelling on the Eligible Property,
17 2) the application of a building permit for construction of the
18 permanent dwelling on the Eligible Property, 3) evidence of a fully
19 signed contract with a licensed building contractor for the
20 construction of a permanent dwelling on Eligible Property, 4)
21 evidence of a signed contract with a manufactured home dealer, 5)
22 confirmation that a property owner is actively working with Town
23 housing specialists, or a State agency, on housing programs, or 6)
24 evidence of a signed contract with a plans designer for
25 construction of a permanent dwelling on Eligible Property and
26 subject to the applicable requirements set forth in Section 8,

1 Standards. The temporary use permit shall be in effect only for
2 the effective period of this Ordinance unless a building permit
3 for the construction of a permanent dwelling has been issued. If
4 a building permit has been issued, the temporary use permit shall
5 be in effect for the same length of time as the building permit
6 for the permanent dwelling.

7 **Section 7(a). Temporary recreational vehicle storage.**

8 The temporary storage of up to two (2) unoccupied recreational
9 vehicles on an Eligible Property shall be allowed during the
10 effective period of this Ordinance subject to the issuance of a
11 temporary use permit and the applicable requirements set forth in
12 Section 8, Standards. No fee shall be charged for this temporary
13 use permit.

14 **Section 8. Standards.**

15 All residential use of temporary dwellings and storage use of cargo
16 storage containers and/or recreational vehicle storage shall meet
17 the following standards.

18 A. At all times, only a property owner, who owned the
19 property at the time of the Camp Fire, or his or her
20 authorized agent shall obtain all Town permits for all
21 temporary dwellings that are hooked-up to utilities.
22 Written consent of the property owner is required in all
23 cases.

24 B. At all times, residential use of temporary dwellings is
25 limited to recreational vehicles and movable tiny houses
26 not on a permanent foundation and used to house persons

1 displaced by the Camp Fire during the effective period
2 of this Ordinance.

3 C. Use of temporary dwellings is contingent on proof of a
4 damaged or destroyed residence as verified by the
5 Director based on prior final building permit or
6 Assessor's records, or other documentation satisfactory
7 to the Director.

8 D. At all times, temporary dwellings and cargo storage
9 containers or stored recreational vehicles shall be
10 located outside the boundaries of any recorded
11 easements, roads, driveways, designated flood hazard
12 locations, or areas prone to landslide or debris flow.

13 E. At all times, use of a cargo storage container shall be
14 only for storage of personal and household belongings
15 for each temporary dwelling.

16 F. For water hook-ups, the temporary dwelling shall be
17 connected to an approved source of water meeting one of
18 the following criteria:

- 19 1. Public water supply;
- 20 2. Existing well provided that it has been approved by
21 the Department of Public Health, Environmental
22 Health Division as safe for domestic consumption;
23 or
- 24 3. Other water source approved by the Town.

1 G. For sewage disposal hook-ups, the temporary dwelling
2 shall be connected to an approved sewage disposal system
3 meeting one of the following criteria:

4 1. Public sewer system;

5 2. A new or existing on-site sewage disposal system
6 that has been approved by the Town to be intact,
7 adequately sized, and functioning correctly;

8 H. For electricity hook-ups, the temporary dwelling shall
9 be connected to an approved source of electricity
10 satisfying the following:

11 1. A permitted power pole and inspected electrical
12 service hook-up.

13 I. At all times the temporary dwelling shall be served by
14 solid waste collection services by the Town franchisee.

15 J. At all times the temporary dwelling shall be in
16 compliance with all Paradise Municipal Code requirements
17 and laws relating to maintenance of real property.

18 **Section 9. Use of accessory residential structures for temporary**
19 **habitation.**

20 For the effective period of this Ordinance, accessory residential
21 structures on an Eligible Property, which also meets Residential
22 Group R occupancies as established by the California Residential
23 Code adopted by the Town, may be used as interim housing for
24 persons displaced by the Camp Fire. During this period, said use
25 shall not be subject to the provisions of existing deed
26 restrictions required by Butte County, but shall remain subject to

1 all other existing regulations and limitations.

2 **Section 10. Use of Accommodations, Farmstays, Bed and Breakfast**
3 **Inns, Resorts, Retreats, Camps or other similar uses.**

4 Notwithstanding any contrary provision in the Paradise Municipal
5 Code or any use permit conditions, use of existing promotional or
6 marketing accommodations, farmstays, bed and breakfast inns,
7 resorts, retreats, camps or other similar visitor serving uses
8 shall be allowed on an Eligible Property as interim housing for
9 persons displaced by the Camp Fire.

10 **Section 11. Waiver of Town Use Permit Requirement for Relocation**
11 **of Damaged Child Care and Educational Facilities.**

12 Notwithstanding any contrary provision in the Paradise Municipal
13 Code, any existing small or large child day care facility or child
14 care center, elementary school, junior high school, high school or
15 institution of higher education that was housed in premises made
16 uninhabitable by the Camp Fire may be temporarily relocated to
17 existing buildings on an Eligible Property in the Eligible
18 Property, subject to a temporary use permit and any existing
19 applicable standards, and subject to a building permit if any
20 renovations are required. Nothing in this Ordinance waives or
21 affects any State law requirements applicable to such facilities.

22 **Section 12. Accessory Building Standards.**

23 Notwithstanding any other provision of Paradise Municipal Code
24 Title 17, while this Ordinance is in effect, an accessory building
25 may be established as a permitted land use prior to the issuance
26 of a building permit for construction of a residence upon an

1 Eligible Property located within all Agricultural Residential,
2 Rural Residential, Town Residential, and Multi-Family zoning
3 districts and shall meet the following standards:

4 A. The accessory building shall not exceed a building
5 coverage area of 10% of the lot size of the affected
6 property located in any of the Agricultural-Residential,
7 Rural Residential, one-acre minimum [RR-1] and Rural
8 Residential two-third acre minimum [RR-2/3] zoning
9 districts.

10 B. The accessory building shall not exceed a building
11 coverage area of 5% of the lot size of the affected
12 property located in any of the Town Residential, Rural
13 Residential, one-half acre minimum [RR-1/2], and
14 Multiple-Family Residential [MF] zoning districts.

15 C. At all times, the accessory building shall be located
16 outside the boundaries of any recorded easements, roads,
17 driveways, designated flood hazard locations, areas prone
18 to landslide or debris flow, and required front, rear and
19 side yard setback areas.

20 D. The accessory building shall be designed and constructed
21 to comply with Wildland Urban Interface [WUI] standards.

22 E. Whenever the accessory building is to exceed a floor area
23 of 120 square feet and/or to be connected to utilities
24 the property owner or the property owner's authorized
25 agent shall obtain all Town permits for subject accessory
26

1 building(s). Written consent of the property owner is
2 required in all cases.

3 F. Town permit applications for establishment of an
4 accessory building shall include submittal of a subject
5 property plot plan: 1) drawn to a common scale; 2)
6 designed in compliance with the Town's "minimum plan
7 standards" for residential rebuild; and 3) including
8 either a concurrent or future residential dwelling.

9 G. Before the expiration of this Ordinance, all owners of
10 accessory buildings constructed under this Ordinance
11 shall have applied for building permits to construct a
12 primary residence on the owners' property.

13 **Section 13. Infraction and Public Nuisance.**

14 It shall be an infraction and a public nuisance to violate this
15 Ordinance.

16 **Section 14. Public Nuisance Abatement Procedure.**

17 The Town may, in addition to other authorized procedures set
18 forth in this Ordinance, take action to abate such public
19 nuisance in accordance with the following procedures when any
20 person violates this Ordinance:

21 A. The Director, or his or her designee, shall notify, in
22 writing, the property owner of the public nuisance on his or her
23 property.

24 B. The notice shall be effective if it is posted at the
25 property and mailed by certified or registered mail to the owner
26 of record of the property on the last published assessment tax

1 roll of the Butte County Assessor's office. The notice shall
2 specify what constitutes the public nuisance together with an
3 order to abate the public nuisance within a specific time
4 period, advise the property owner of the right to an appeal
5 hearing where the property owner may present evidence in
6 defense, and advise the property owner that the Town may assess
7 the property for the cost of abatement.

8 C. The appeal hearing shall be requested in writing by the
9 property owner to the Town Clerk within ten (10) calendar days
10 after the date on which the notice is mailed. If the property
11 owner fails to request an appeal hearing within such ten (10)
12 calendar days, the abatement notice shall be final.

13 D. After receiving a timely appeal, the Town shall set a
14 noticed hearing on the appeal by an impartial hearing officer.
15 The decision of the hearing officer shall be made in writing
16 within fourteen (14) calendar days after the hearing. The
17 decision of the hearing officer shall be final. If the public
18 nuisance is determined to exist, the hearing officer shall
19 specify in his or her decision the time period for the property
20 owner to abate the public nuisance.

21 E. In any event, if the public nuisance is not abated within
22 the time specified in either the initial notice and order or the
23 hearing officer's decision, the Town may abate the public
24 nuisance in accordance with this Ordinance.

1 F. The Town's costs to abate the public nuisance shall be
2 subject to the procedures set forth in Paradise Municipal Code
3 sections 8.04.100, 8.04.110, 8.04.120 and 8.04.130.

4 **Section 15. CEQA Exemption.**

5 Adoption of this Ordinance is exempt from the provisions of the
6 California Environmental Quality Act (CEQA) pursuant to California
7 Public Resources Code Section 21080(b)(3) regarding projects to
8 maintain, repair, restore, or replace property or facilities
9 damaged or destroyed as a result of a declared disaster and Section
10 21080(b)(4) regarding actions to mitigate or prevent an emergency,
11 and CEQA Guidelines Section 15269(a) regarding maintaining,
12 repairing, restoring, demolishing, or replacing property or
13 facilities damaged or destroyed as a result of a disaster stricken
14 area in which a state of emergency has been proclaimed by the
15 Governor pursuant to the California Emergency Services Act,
16 commencing with Section 8550 of the California Government Code.

17 **Section 16. Severability.**

18 If any section, subsection, sentence, clause, or phrase of this
19 Ordinance is for any reason held to be unconstitutional or invalid,
20 such decision shall not affect the validity of the remaining
21 portion of this Ordinance. The Town Council hereby declares that
22 it would have passed this Ordinance and every section, subsection,
23 sentence, clause or phrase thereof irrespective of the fact that
24 any one or more sections, subsections, sentences, clauses or
25 phrases be declared unconstitutional or invalid.

26 **Section 17. Effective Date and Publication.**

1 This Ordinance shall be and the same is hereby declared to be in
2 full force and effect immediately upon its passage by a four-
3 fifths (4/5) or greater vote. The Town Clerk of the Town of
4 Paradise is authorized and directed to publish a summary of this
5 Ordinance before the expiration of fifteen (15) days after its
6 passage. This Ordinance shall be published once, with the names
7 of the members of the Town Council Members voting for and against
8 it, in the Paradise Post, a newspaper of general circulation
9 published in the Town of Paradise, State of California. A complete
10 copy of this Ordinance is on file with the Town Clerk of the Town
11 Council and is available for public inspection and copying during
12 regular business hours in the office of the Town Clerk.

13 **Section 18.** This Ordinance shall expire on December 31, 2021.

14 **PASSED AND ADOPTED** by the Town Council of the Town of Paradise,
15 County of Butte, State of California, on this 13th day of October,
16 2020 by the following vote:

17
18 **AYES:** Steve Crowder, Jody Jones, Melissa Schuster, Mike Zuccolillo and
Greg Bolin, Mayor

19 **NOES:** None

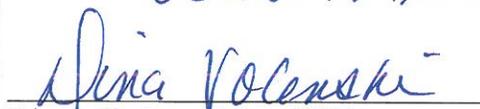
20 **ABSENT:** None

21 **ABSTAIN:** None

22 

Greg Bolin, Mayor

23 **ATTEST:** *October 14, 2020*

24 

Dina Volenski, CMC,
26 Town Clerk

23 **APPROVED AS TO FORM:**

24 

Mark A. Habib
Town Attorney