

**ORDINANCE NO. 33-2007**

**AN ORDINANCE OF THE CITY OF FREMONT, CALIFORNIA,  
ADDING CHAPTER 13 (WILDLAND URBAN INTERFACE FIRE  
AREA) TO TITLE VII (BUILDING REGULATIONS) OF THE  
FREMONT MUNICIPAL CODE AND MAKING CONFORMING  
MODIFICATIONS TO THE CODE**

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The City Council of the City of Fremont does ordain as follows:

Section 1. Addition of Chapter 13 to FMC Title VII

Chapter 13 is added to Fremont Municipal Code Title VII (Building Regulations) to read:

**CHAPTER 13 WILDLAND-URBAN INTERFACE FIRE AREA**

Section 2. Addition of FMC §7-13100

Section 7-13100 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 13 (Wildland-Urban Interface Fire Area) to read:

**Sec. 7-13100 Title**

This Chapter shall be known as the “Wildland-Urban Interface Ordinance”.

Section 3. Addition of FMC §7-13101

Section 7-13101 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 13 (Wildland-Urban Interface Fire Area) to read:

**Sec. 7-13101 Purpose**

In enacting Ordinance 33-2007 creating the provisions of this Chapter, the City of Fremont designates those areas within the city limits that the City Council has determined are Very High Fire Hazard Severity Zones (VHFHS Zones) under Government Code Section 51179. These areas define the Wildland-Urban Interface Fire Area for purposes of applying the buildings standards and other regulations contained in the California Building Standards Code as adopted and amended by the City of Fremont. This classification is necessary in order to allow the public officials of the City to identify measures that will retard the rate of spread, and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

Section 4. Designation of Very High Fire Hazard Severity Zones

(a) The City Council hereby designates the locations and boundaries of the VHFHS Zones in the City of Fremont as set forth on the map labeled “Very High Fire Hazard Severity Zones in the City of Fremont” and attached to this ordinance as Exhibit A.

(b) The City Council finds under Government Code Section 51179 that the requirements of

Government Code Section 51182 are necessary for effective fire protection within the areas designated by subdivision (a) based on the information provided in the staff report received, the staff presentation made, and the public hearing held on November 27, 2007.

Section 5. Addition of FMC §7-13102

Section 7-13102 is added to Fremont Municipal Code Title VII (Building Regulations), Chapter 13 (Wildland-Urban Interface Fire Area) to read:

**Sec. 7-13102 Designation of Very High Fire Hazard Severity Zones**

(a) The designation, locations, and boundaries of the VHFHS Zones in the City of Fremont as adopted by the City Council are set forth on the map labeled “Very High Fire Hazard Severity Zones in the City of Fremont”, attached as Exhibit A to Ordinance 33-2007, on file with the City Clerk’s Office.

(b) The Fire Department shall maintain an official copy of the most current VHFHS Zones map adopted by ordinance in its administrative offices for public inspection during regular business hours.

Section 6. Addition of FMC §8-2199.23.7

The first paragraph of Fremont Municipal Code Title VIII (Planning and Zoning), Chapter 2 (Zoning), Article 1 (Definitions), Section 8-2199.23.7 (Wet band) is modified to read as follows. Subdivisions (a) and (b) are unchanged.

**Sec. 8-2199.23.7 Wet Band.**

"Wet band" shall mean a portion of a property in a Very High Fire Hazard Severity Zone, as designated in Title VII, Chapter 13, that the adopted fire code requires to be maintained as an effective firebreak and a defensible space, which the city requires to be irrigated in a manner effective for fire suppression as well as to facilitate the healthy growth of fire-resistant vegetation, and/or to be paved.

(a) [Text unchanged]

(b) [Text unchanged]

Section 7. Repeal of FMC § 7-1611.

Section 7-1611 of Fremont Municipal Code Title VII, Chapter 1, Article 6 is repealed.

Section 8. CEQA.

The City Council finds under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA Guidelines.

Section 9. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 10. Effective Date


This ordinance shall take effect and be enforced 30 days after adoption.

Section 11. Publication

This ordinance must be published once in *The Argus*, a newspaper of general circulation, printed and published in Alameda County and circulated in the City of Fremont, within fifteen (15) days after its adoption.

The foregoing ordinance was introduced before the City Council of the City of Fremont, County of Alameda, State of California, at the regular meeting of the City Council, held on the 27<sup>th</sup> day of November, 2007 and finally adopted at a regular meeting of the City Council held on the 4<sup>th</sup> day of December, 2007 by the following vote, to wit:

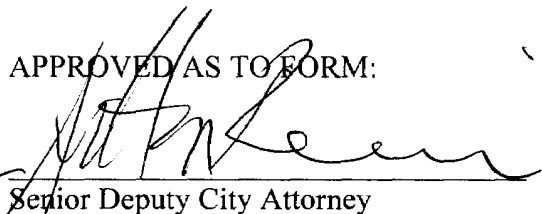
- AYES: Mayor Wasserman, Vice Mayor Harrison, Councilmembers Cho, Wieckowski, and Natarajan
- NOES: None
- ABSENT: None
- ABSTAIN: None

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
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Senior Deputy City Attorney