

**PROCLAMATION NO. 2021-01**

**A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF NEVADA CITY, CALIFORNIA, ACTING AS THE DIRECTOR OF CIVIL DEFENSE AND DISASTER, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO EXTREME FIRE DANGER**

WHEREAS, the City Manager, acting in her capacity as Director of Civil Defense and Disaster for Nevada City, is authorized by Section 2.44.050(A)(1) to declare the existence or threatened existence of a local emergency or disaster when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), and 8630 authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, due to the current extended drought conditions, there is an excessive amount of combustible material located in the open spaces in and around the City; and

WHEREAS, there are currently fires burning elsewhere in the State. Due to Nevada City's rural location, there is an extreme risk of fires spreading or occurring in areas within or near the City; and

WHEREAS, weather conditions continue to be hot and dry with winds that could quickly spread any fire that occurs creating conditions of extreme peril to life and property; and

WHEREAS, such conditions are beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat; and

WHEREAS, Government Code Section 8630 authorizes the City Manager, in her capacity as Director of Civil Defense and Disaster, to declare the existence of a local emergency or disaster which shall go into immediate effect and remain in effect for 7 days until ratified by the City Council; and

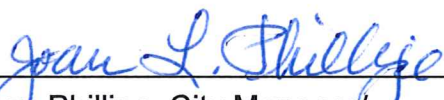
NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager, the Director of Civil Defense and Disaster for Nevada City, as follows:

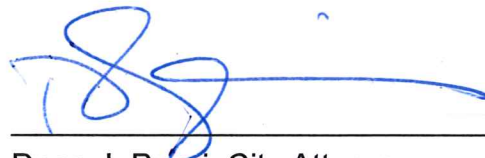
- A. As contemplated in the Emergency Services Act contained in Government Code Section 8550 et seq., including Section 8558(c), and Section 2.44.050(A)(1) of the Nevada City Municipal Code, a local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by the threat of fire, as detailed in the recitals set forth above.
- B. The area of the City which is endangered/imperiled is the entire City.
- C. The following orders shall remain in effect for the duration of this Emergency:
  - a. It shall be unlawful for any person to ignite, permit, or maintain an open fire within the city limits of the City of Nevada City until the termination of the local emergency. This prohibition is not intended to prohibit devices used for cooking such as barbeques that are located on property that the individual using such device has legal authority to occupy.
  - b. Fires in devices designed for outdoor warming such as patio fireplaces, chimneys, portable fire pits, stoves or other portable burning devices used for outdoor recreation and/or heating are prohibited within the city limits of the City of Nevada City
  - c. No permits or permission shall be granted approving recreational, ceremonial, or special event fires.
- D. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to Chapter 2.44 of the Nevada City Municipal Code.
- E. The City Council shall review and ratify this proclamation within 7 days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by

state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.


- F. That the City of Nevada City orders that, within the boundaries of the City of Nevada City, the orders and/or recommendations of the Director of Civil Defense and Disaster be deemed mandatory.
- G. That a copy of this proclamation be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Nevada City; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

**PROCLAIMED this \_\_ day of August, 2021.**

  
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Joan Phillippe, City Manager/  
Director of Civil Defense and Disaster  
City of Nevada City

  
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Dean J. Pucci, City Attorney

ATTEST:

  
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Gabrielle Christakes, Deputy City Clerk

