

ORDINANCE NO. 2025-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY DESIGNATING LOCAL RESPONSIBILITY AREA FIRE HAZARD SEVERITY ZONES

WHEREAS, on February 24, 2025, the State Fire Marshal released maps for the Local Responsibility Area Fire Hazard Severity Zones pursuant to Government Code Sections 51177-51179; and

WHEREAS, the City of Union City (“the City”) is required to adopt, by ordinance, updated fire hazard severity zones (FHSZ) within its jurisdiction within 120 days of receipt of recommendations from the State Fire Marshal pursuant to California Government Code Section 51179; and

WHEREAS, notwithstanding the minimum fire safety standards required by state law, under the authority included in Government Code 51175, the City has the authority to establish more stringent wildfire safety standards. While the City can increase the severity zone level, Government Code Section 51179 does not allow local agencies to decrease the level of FHSV or to remove areas from the recommended map; and

WHEREAS, the City desires to designate the “Moderate”, “High”, and “Very High” fire hazard severity zones within the City of Union City as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals are true and correct and hereby made a part of this Ordinance.

Section 2. Approval of Map. The fire hazard severity zone map entitled “City of Union City Fire Hazard Severity Zones” dated February 24, 2025, attached hereto as **Exhibit A** and incorporated herein, is hereby adopted.

The official map depicting the designated fire hazard severity zones shall be maintained on and accessible from the City of Union City official website.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed the Ordinance, and each and every section, subsection, sentence, clause, phrase or portion not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

Section 4. CEQA. The Union City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) because CEQA only applies to the discretionary decisions of the City. Because the City Council is required by Government Code Section 51179 to adopt this ordinance, it is not exercising any discretion subject to CEQA review.

Section 5. Effective Date. This Ordinance shall take effect and be enforced thirty (30) days following its final adoption.

Section 6. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect thirty (30) days after its adoption.

Upon adoption of the Ordinance, the City Clerk is directed to transmit a copy to the State Board of Forestry and Fire Protection within thirty (30) days as required by Government Code Section 51179 (c).

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on this 10th day of June 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

GARY SINGH
Mayor

ATTESTED:

APPROVED AS TO FORM:

THAI NAM N. PHAM
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney

Attachments:

1. Exhibit A - City of Union City Fire Hazard Severity Zones