

## **Chapter 8.20**

# **FIRE RESTRICTIONS AND FUELS REDUCTION**

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### **Article I. General Provisions**

#### **8.20.010 Purpose of provisions.**

The purpose of this chapter is to provide rules and regulations designed to mitigate fire hazard in Alpine County. These provisions are in addition to other federal, state and local laws relating to specific areas of fire mitigation and are intended to benefit the overall public health and safety. (Ord. 685 § 1 (part), 2008: Ord. 474 § 1, 1987)

### **Article II. Fire Restrictions**

#### **8.20.020 Fire restriction designation conditions.**

A. Whenever the federal fire restrictions are effective, an advisement of extreme fire hazard conditions, as issued by the U.S. Forest Service, Alpine County will issue a fire restriction order for the same affected lands within the county.

B. In addition, whenever it is independently determined by the county board of supervisors that an extreme fire hazard condition exists, the county shall declare the territory of the county to be under fire restriction designation.

C. A fire restriction designation may be canceled by the chair of the board of supervisors upon reasonable determination that the conditions which precipitated the fire restriction designation no longer exist. (Ord. 685 § 1 (part), 2008: Ord. 624 § 2, 2000: Ord. 474 § 2, 1987)

#### **8.20.030 Posting of restrictions.**

Notice of fire restriction designation and of cancellation of such designation shall be posted as well as practically possible, but in no case in less than three public places in the county. (Ord. 685 § 1 (part), 2008: Ord. 624 § 3, 2000: Ord. 474 § 3, 1987)

#### **8.20.040 Activities prohibited during restrictions.**

A. Except as set forth in subsection B of this section, outdoor open fires will not be permitted. Supervised residential use of approved outdoor cooking devices is exempted from this restriction.

B. Campfires on private property are not prohibited when all of the conditions of a California campfire permit are satisfied. Such conditions are:

1. Parties must clear all flammable material away from the fire for a minimum of five feet in all directions to prevent escape of fire.

2. Parties must have a shovel available at the campfire site for preparing and extinguishing campfires.

3. Parties must have a responsible person in attendance at all times.

4. Parties must extinguish the campfire with water, using the drown, stir and feel method.

C. Parties are liable for the cost of suppression and damages caused by any wildfire that starts through their negligence. (California Health and Safety Code Section 13009.) (Ord. 685 § 1 (part), 2008: Ord. 624 § 4, 2000: Ord. 474 § 4, 1987)

#### **8.20.050 Enforcement.**

The provisions of this article shall be enforced by the county sheriff's department by peace officers authorized under the provisions of Section 836.5 of the Penal Code. (Ord. 685 § 1 (part), 2008: Ord. 474 § 5, 1987)

#### **8.20.060 Violation—Penalty.**

Any person violating any provision of this article is guilty of a misdemeanor/ infraction and shall be fined an amount not to exceed one thousand dollars and/or ninety days in the county jail, in addition to any criminal and civil remedies which may be available under any applicable state and federal laws. (Ord. 685 § 1 (part), 2008: Ord. 474 § 6, 1987).

### **Article III. Fuels Reduction**

#### **8.20.070 Declaration of public nuisance.**

The Alpine County board of supervisors hereby declares that flammable and combustible vegetation that accumulates on lots within the county in violation of this article to be a public nuisance and it shall be the responsibility of the owner of the property upon which such nuisance exists to abate such nuisance at his or her own expense. Such nuisance is considered abated when fuels reduction as defined in this chapter is accomplished. (Ord. 685 § 1 (part), 2008)

#### **8.20.080 Requirements for fuels reduction on land containing a building or structure.**

A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands,

grass-covered lands, or any land that is covered with flammable material, shall at all times maintain defensible space in compliance with the requirements of the State of California Public Resources Code Section 4291 as currently exists and as may be amended in the future. (Ord. 685 § 1 (part), 2008)

#### **8.20.090 Requirements for fuels reduction on vacant lots.**

A. Applicability. This section shall apply to all vacant lots that meet both of the following criteria:

1. Fire Hazard Severity Zone. The vacant lot is located within a very high or high fire hazard severity zone as defined in the most recent California Fire Hazard Severity Zone Map adopted by Calfire.

2. Determination of Hazard. The vacant lot contains flammable and combustible vegetation that is determined by the fire inspection official to not be in compliance with the fuels reduction standards of this article.

B. Fuels Reduction Standard.

1. Fuels Reduction Standard. For all areas within the vacant lot that are within one hundred feet of a structure, provide a reduced fuel zone that is consistent with the Guidelines for Creating Defensible Space as adopted on February 8, 2006, by the California Board of Forestry and Fire Protection "BoF Guidelines," and as may be amended in the future. This standard shall not require a firebreak as described in the BoF Guidelines to be provided within the subject lot. This standard shall not apply to any area within the vacant lot that is more than one hundred feet from a structure.

2. Variations. The fire inspection official(s) may approve variations from the standard and applicable sections of the BoF Guidelines that are determined by the fire inspection official(s) to have the same practical effect as the standard and applicable sections of the BoF Guidelines.

C. Inspections, Duty to Perform Fuels Reduction and Enforcement.

1. Inspections. The board of supervisors shall designate the fire inspection official(s) for these regulations. The board may, by action separate from this article, designate different fire inspection officials for distinct geographic areas of the county. The inspection authority for Bear Valley shall be the Bear Valley public safety supervisor. Inspections shall be conducted under the authority and direction of the designated fire inspection official(s). In accordance with all applicable laws, the inspection authority is authorized to enter onto private lands and conduct inspections for the purpose of fulfilling the requirements of this article.

2. Duty to Perform Fuels Reduction. Fuels reduction as defined in this article shall be accomplished by property owners by June 1st of every year for all areas in the county below six thousand two hundred feet elevation and by August 1st for all other areas in the county. An exception to these dates occurs when an order to perform fuels reduction has been issued, in which case the time limit(s) in the order shall apply.

3. Order to Perform Fuels Reduction. The inspection authority may issue an order to perform fuels reduction to the owner of the affected property. Such order shall clearly state the actions needed to comply with the order, the process for requesting an extension of time and the process for appealing the order to the board of supervisors. The property owner shall have twenty-one calendar days from the date of the order to perform the required fuels reduction unless an extension of time is granted as provided

in subsection (C)(4) of this section, or unless a timely appeal is made to the board of supervisors as provided in subsection (C)(8) of this section.

4. Requests for an Extension of Time. The owner of the parcel that is the subject of the order to perform fuels reduction may request an extension of time to perform the required work. Said request shall be submitted to the inspection authority within ten calendar days of the date the notice was sent. The inspection authority shall notify the property owner, in writing, within ten calendar days of the date of request for extension whether or not the extension shall be granted and, if granted, the new date by which the fuels reduction work must be completed.

5. Fuels Reduction by County Personnel or Private Contractors. If the property owner fails to comply with the order to perform fuels reduction, then the inspection authority may cause the fuels reduction to be accomplished by either county personnel or a qualified private contractor.

6. Payment—Lien on Property. If fuels reduction is caused to be performed by the county, the property owner shall be obligated to pay the full cost of the fuels reduction plus a reasonable administrative charge directly related to the work performed on the property. Within thirty days of completing the work, the county shall send a bill to the property owner. The property owner shall pay the bill in full within sixty days of its receipt unless an alternate payment schedule is agreed to by the inspection authority. If the property owner does not pay the bill in full within sixty days of receipt of the bill, or within the timelines established in an alternate payment schedule, the county may place a lien on the property for the amount due.

7. Penalties. Except for payments and liens for fuels reduction work performed by the county as provided in this article, penalties for noncompliance with this article may be imposed in the same manner as provided for in Public Resources Code Section 4291.1.

8. Appeals. Any administrative determination made by the county or the fire inspection authority under this article may be appealed directly to the board of supervisors. An appeal must be filed within ten days of receiving notice of an administrative determination. Such appeals shall be filed in accordance with the applicable provisions in Chapter 18.88 of the county code.

9. Extent of Duty to Enforce. Nothing in this chapter shall be construed as imposing on the fire inspection official or the county any duty to issue an order to abate a fire hazard and neither the fire inspection official nor the county shall be held liable for failure to issue an order to abate a fire hazard nor for failure to abate any fire hazard.

#### D. Definitions.

1. "Building" or "structure" means any structure used for support or shelter of any use or occupancy.

2. "Defensible space" means the area within the perimeter of a lot or parcel where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

3. "Flammable and combustible vegetation" means vegetative material, live or dead, which is combustible during normal summer weather. It does not include fences, decks, woodpiles or trash. It does include the following fuel types:

a. "Aerial fuels" means all live and dead vegetation in the forest canopy or above surface fuels, including tree branches, twigs and cones, snags, moss, and high brush. Examples include trees and large bushes.

b. "Ladder fuels" means fuels that can carry a fire vertically between or within a fuel type.

c. "Surface fuels" means loose surface litter on the soil surface, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches that have not yet decayed enough to lose their identity; also grasses, forbs, low and medium shrubs, tree seedlings, heavier branches and downed logs.

d. "Vacant lot" means a lot as defined in the Alpine County zoning ordinance (Alpine County Code Section 18.08.430) that does not contain a building or structure as defined in subsection (D)(1) of this section. (Ord. 685 § 1 (part), 2008)