

**Sierra County  
Board of Supervisors'  
Agenda Transmittal &  
Record of Proceedings**

<b>MEETING DATE:</b> August 2, 2022	<b>TYPE OF AGENDA ITEM:</b> <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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**DEPARTMENT:** Board of Supervisors  
**APPROVING PARTY:** Peter W. Huebner, District No. 1  
**PHONE NUMBER:** 530-289-3295

**AGENDA ITEM:** Discussion/adoption of revised urgency ordinance amending section 18.12.50 of the Sierra County Code prohibiting open fires on public and private property within the unincorporated areas of Sierra County due to the extreme fire danger.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other  
Draft Ordinance

**BACKGROUND INFORMATION:** On July 19, 2022 the Board declared a local state of emergency and adopted an urgency ordinance due to extreme fire danger which needs to be revised.

**FUNDING SOURCE:**  
**GENERAL FUND IMPACT:** No General Fund Impact  
**OTHER FUND:**  
**AMOUNT:** \$ N/A

<b>ARE ADDITIONAL PERSONNEL REQUIRED?</b>  <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	<b>IS THIS ITEM ALLOCATED IN THE BUDGET?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <b>IS A BUDGET TRANSFER REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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**SPACE BELOW FOR CLERK'S USE**

<b>BOARD ACTION:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2022- _____ Agreement 2022- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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**COMMENTS:**  
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\_\_\_\_\_

\_\_\_\_\_  
CLERK TO THE BOARD

\_\_\_\_\_  
DATE

**BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA**

**ORDINANCE NO.**

**AN URGENCY ORDINANCE OF THE COUNTY OF SIERRA PROHIBITING OPEN FIRES ON PUBLIC AND PRIVATE PROPERTY WITHIN THE UNINCORPORATED AREAS OF SIERRA COUNTY DUE TO THE EXTREME FIRE DANGER AND AMENDING SECTION 8.12.50 TO THE SIERRA COUNTY CODE**

**WHEREAS**, the state of California is, for the third year, facing severe weather conditions which has resulted in multiple extreme wildfire seasons; and

**WHEREAS**, the Governor has declared an emergency due to extreme drought conditions; and

**WHEREAS**, drought conditions and human negligence in using fire during such conditions are contributors to forest and wildfires; and

**WHEREAS**, Sierra County is particularly susceptible to devastating wildfires due to the prevailing weather conditions and topography within the County; and

**WHEREAS**, in light of this extreme fire danger facing both the State as a whole, and Sierra County specifically, the Sierra County Board of Supervisors finds it necessary to enact restrictions on private lands within the unincorporated area of Sierra County and public lands within the unincorporated area of Sierra County which are not owned and/or controlled by state or federal governmental agencies in order to further reduce the likelihood of human-caused fires within Sierra County; and

**WHEREAS**, there is an immediate need to take action to protect the public health, safety and welfare of the citizens and natural environment of Sierra County from further harm and risk due to extreme wildfire and fire hazard conditions, the lack of firefighting resources statewide and extreme dry conditions in Sierra County;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS** that:

## **SECTION 1-CODE AMENDMENT**

Sierra County Code, Title 8, Health and Sanitation, Chapter 8.12, Section 8.12.050 is amended to read as follows:

**8.12.050:** Building, maintaining, attending, or using outdoor fires, including campfires, bonfires, pit fires, tiki torches, portable stoves, charcoal/wood fueled barbeques or any other open flame fire is hereby prohibited on all private lands within the unincorporated area of Sierra County and public lands within the unincorporated area of Sierra County which are not owned and/or controlled by state or federal governmental agencies. This prohibition shall stay in effect until November 1, 2022, unless rescinded prior to November 1, 2022 by the Board of Supervisors.

## **SECTION 2-EXEMPTIONS**

The open flame prohibition contained herein shall not extend to the following operations (exempt properties):

### **A. COMMERCIAL GRADE EQUIPMENT**

1. Commercial/professional barbeque or smoker equipment set up and maintained within an area cleared of vegetation or other ignition sources for a minimum of 30 feet surrounding the equipment and continually monitored during operation. A fire extinguisher shall be readily accessible at all times during operation of such commercial/professional equipment. All barbeque or smoker equipment shall be fully extinguished at the conclusion of the event, and prior to transporting the equipment.
2. Commercial/personally operated propane heating devices known as patio heaters, umbrella heaters and heatstrip outdoor heating systems and fire rings, excluding torpedo heaters, if properly maintained and placed on a hard non-combustible surface and in an area free of combustible materials surrounding the perimeter of the heating device and clear of overhead combustible materials. All such devices shall be continually monitored during operation.

**B. ORGANIZED CAMPGROUNDS**

1. Privately owned, organized and developed campgrounds validated by the agency responsible for fire suppression and under the following conditions:
  - a. Full time hosts on site during visitor use with morning and evening inspections of campfire sites and continuous monitoring of all campfires. Campfires shall be fully extinguished with water when not attended.
  - b. Privately owned campgrounds who are authorized and approved to allow campfires shall notify all campers of the rules outlined in this ordinance prior to allowing campfires, failure to comply with any of the conditions outlined in this ordinance may invalidate authorization to have campfires.
  - c. Water (plumbed with hoses capable of reaching a fire or a five-gallon bucket containing water) and fire tools such as shovel, hoe, or similar tools must be on site and readily available for fire suppression.
  - d. Minimum of three (3) feet of mineral soil or non-combustible surface surrounding the perimeter of the any fire rings.
  - e. Fire rings must have not more than four (4) foot internal diameter.
  - f. Fires are limited to use for cooking or warmth and may not be used for disposal of vegetation or other debris.

**C. PERSONAL DEVICES**

1. Personal propane barbeques or smokers that are placed on a hard non-combustible surface and in an area free of combustible materials surrounding the perimeter of the cooking device and clear of overhead combustible materials are allowed. Personal barbeque or smokers that are fueled by compressed wood chips and have no open flame and are placed on a hard non-combustible surface and in an area free of combustible materials surrounding the perimeter of the cooking device and clear of overhead combustible materials are allowed.

**D. ENFORCEMENT**

Violation of this ordinance or any section thereof shall be a misdemeanor punishable by a fine of not less than one hundred dollars (\$100), for each violation. No part of such fine shall be suspended. The court may permit the fine prescribed by this section to be paid in installments if the court determines that the defendant is unable to pay the fine in one lump sum.

In addition to the fines imposed, campgrounds or commercial/private operations in violation of the ordinance shall not thereafter be exempt from the open flame prohibitions described in Section 1.

This ordinance shall become effective immediately in accordance with California law.

Urgency Ordinance No. 1112 and entitled AN URGENCY ORDINANCE OF THE COUNTY OF SIERRA PROHIBITING OPEN FIRES ON PRIVATE PROPERTY WITHIN THE UNINCORPORATED AREAS OF SIERRA COUNTY DUE TO THE EXTREME FIRE DANGER, passed on July 19, 2022 is rendered inoperative and is repealed by the passage of this ordinance.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Sierra, State of California, at a regular meeting of said Board, held on the 2<sup>nd</sup> day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

COUNTY OF SIERRA

\_\_\_\_\_  
PAUL ROEN  
Chair, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
HEATHER FOSTER  
Clerk of the Board

\_\_\_\_\_  
DAVID PRENTICE  
County Counsel

**BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA**

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**WHEREAS**, there is an immediate need to take action to protect the public health, safety and welfare of the citizens and natural environment of Sierra County from further harm and risk due to extreme wildfire and fire hazard conditions, the lack of firefighting resources statewide and extreme dry conditions in Sierra County;

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**B. ORGANIZED CAMPGROUNDS**

1. Privately owned, organized and developed campgrounds where the following criteria have been met and are confirmed by a professional or volunteer fire organization that has jurisdiction within Sierra County:

- a. Full time hosts on site during visitor use with morning and evening inspections of campfire sites and continuous monitoring of all campfires. Campfires shall be fully extinguished with water when not attended.
- b. Privately owned campgrounds who are authorized and approved to allow campfires shall notify all campers of the rules outlined in this ordinance prior to allowing campfires, failure to comply with any of the conditions outlined in this ordinance may invalidate authorization to have campfires.
- c. Water (plumbed with hoses capable of reaching a fire or a five-gallon bucket containing water) and fire tools such as shovel, hoe, or similar tools must be on site and readily available for fire suppression.
- d. Minimum of three (3) feet of mineral soil or non-combustible surface surrounding the perimeter of the any fire rings.
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**D. ENFORCEMENT**

Violation of this ordinance or any section thereof shall be a misdemeanor punishable by a fine of not less than one hundred dollars (\$100), for each violation. No part of such fine shall be suspended. The court may permit the fine prescribed by this section to be paid in installments if the court determines that the defendant is unable to pay the fine in one lump sum.

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NOES:

ABSENT:

ABSTAIN:

COUNTY OF SIERRA

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PAUL ROEN  
Chair, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

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HEATHER FOSTER

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DAVID PRENTICE

Clerk of the Board

County Counsel