

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

<b>MEETING DATE:</b> October 5, 2021	<b>TYPE OF AGENDA ITEM:</b> <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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<b>DEPARTMENT:</b> County Counsel <b>APPROVING PARTY:</b> David Prentice <b>PHONE NUMBER:</b> 559-500-1600
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**AGENDA ITEM:** Adoption of an urgency ordinance of the County of Sierra amending Title 8 Chapter 8.12 Section 8.12.050 of the Sierra County Code to allow propane heaters only in restaurant patio dining.

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

**BACKGROUND INFORMATION:** At the September 21, 2021 Board of Supervisors meeting, the Board directed County Counsel to prepare an urgency ordinance amending the current fire restrictions to allow for propane heaters in restaurant patio dining in order to address concerns expressed by business owners who want to provide outside dining options to customers who prefer not to dine indoors due to COVID.

**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 type="checkbox"/> No	<b>IS THIS ITEM ALLOCATED IN THE BUDGET?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>IS A BUDGET TRANSFER REQUIRED?</b> <input type="checkbox"/> Yes <input 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 2021- _____ Agreement 2021- _____ 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**

**AN URGENCY ORDINANCE OF THE COUNTY OF SIERRA AMENDING TITLE 8  
CHAPTER 8.12 SECTION 8.12.050 OF THE SIERRA COUNTY CODE TO ALLOW  
PROPANE HEATERS ONLY IN RESTAURANT PATIO DINING.**

**ORDINANCE NO. \_\_\_\_\_**

**WHEREAS**, the state of California is once again facing severe weather conditions which just one year ago resulted in an extreme wild fire season; and

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

**WHEREAS**, the Board of Supervisors find that due to the ongoing pandemic and the rise in cases the economy is threatened and that allowing for the careful use of propane heaters outside in a restaurant setting will aid the local economy, and

**WHEREAS**, the Board of Supervisors find that the change in weather prohibits outside dining unless heated and that it is urgent and necessary to grant permission for the diligent and safe use of outside heaters for restaurant operations to safeguard the citizens of Sierra County while protecting the economy of Sierra County.

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

Sierra County Code, Title 8, Health and Sanitation, Chapter 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, excepting of propane stoves, 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 9 in effect until November 1, 2021, unless rescinded prior to November 1, 2021 by the Board of Supervisors. The open flame prohibition contained herein shall not extend to commercial/professional barbeque or smoker equipment set up and maintained within an area cleared of fuel 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. Nor shall the prohibition extend to propane heating devices known as patio heaters, umbrella heaters and heatstrip outdoor heating systems, excluding torpedo heaters, used for outside dining at a commercial restaurant if properly maintained and placed on a hard non-combustible surface and in an area free of combustible overhead materials. Said devices must be of commercial grade and provide for encasement of any flame.

This ordinance shall become effective immediately upon its adoption as an urgency measure pursuant to Government Code sections 65858 and 25123.

**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 5th day of October, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Lee Adams  
Chair, Board of Supervisors  
Sierra County

ATTEST:

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Heather Foster  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

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David Prentice  
County Counsel

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

<b>MEETING DATE:</b> September 21, 2021	<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:** Lee Adams, Chair, District No. 1  
**PHONE NUMBER:** 530-289-3295

**AGENDA ITEM:** Discussion/direction regarding Sierra County Ordinance No. 1101, which prohibits open fires on public and private property within the unincorporated areas of Sierra County due to the extreme fire danger, effective until November 1, 2021.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other  
Email from owners of Sierra Pines Resort

**BACKGROUND INFORMATION:** See attached email

**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 type="checkbox"/> No	<b>IS THIS ITEM ALLOCATED IN THE BUDGET?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>IS A BUDGET TRANSFER REQUIRED?</b> <input type="checkbox"/> Yes <input 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 2021- _____ Agreement 2021- _____ 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
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## Heather Foster

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**From:** Heather Foster  
**Sent:** Friday, September 17, 2021 2:07 PM  
**To:** Heather Foster  
**Subject:** FW: restriction on propane patio heaters.

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**From:** Sierra Pines Resort <[sierrapinesresort@gmail.com](mailto:sierrapinesresort@gmail.com)>  
**Sent:** Friday, September 17, 2021 10:27:07 AM  
**To:** Lee Adams <[ladams@sierracounty.ca.gov](mailto:ladams@sierracounty.ca.gov)>; Peter Huebner <[phuebner@sierracounty.ca.gov](mailto:phuebner@sierracounty.ca.gov)>; Paul Roen <[proen@sierracounty.ca.gov](mailto:proen@sierracounty.ca.gov)>; Terry LeBlanc <[tleblanc@sierracounty.ca.gov](mailto:tleblanc@sierracounty.ca.gov)>; Sharon Dryden <[sdryden@sierracounty.ca.gov](mailto:sdryden@sierracounty.ca.gov)>  
**Subject:** restriction on propane patio heaters.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Board of Supervisors

Will the Board of Supervisors consider allowing propane heaters on paved patios? When the order was passed you indicated it would be reviewed at each Board meeting as circumstances change. In the last week the forest has reopened and we have had some rain and more in the forecast. In our last conversation you pointed out that it was hot and heaters were not needed. Now as Fall approaches and evenings are getting cooler, Sierra Pines would like to continue to offer outdoor dining, many of our guests prefer not to dine indoors because of COVID 19 yet it is getting colder in the evenings and guests are requesting that we turn on the heaters. We are pressed between two real things: Fire danger and COVID danger and would like to be able to offer outside dining with propane heaters on our large paved patio.

Thank you,  
Glen

**Cindy & Glen Haubl**  
**Sierra Pines Resort**  
104 Main Street  
Sierra City, CA 96125  
(530) 862-1151  
[www.SierraPinesResort.com](http://www.SierraPinesResort.com)  
Remember to LIKE us on Facebook! [@SierraPinesResort](https://www.facebook.com/SierraPinesResort)

**ORDINANCE No. 1101**

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

**AN 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 ADDING SECTION 8.12.50 TO THE SIERRA COUNTY CODE**

**WHEREAS**, the state of California is once again facing severe weather conditions which just one year ago resulted in an extreme wild fire season; and

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

**WHEREAS**, draught conditions and human negligence in using fire during such conditions are contributors to forest and wild fires; and

**WHEREAS**, Sierra County is particularly susceptible to devastating wild fires due to the prevailing weather conditions and topography within the County.

**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:**

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

**8.12.050:** Building, maintaining, attending, or using outdoor fires, including campfires, bonfires, pit fires, tiki torches, portable stoves, 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, 2021, unless rescinded prior to November 1, 2021 by the Board of Supervisors. The open flame prohibition contained herein shall not extend to commercial/professional barbeque or smoker equipment set up and maintained within an area cleared of fuel 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.

This ordinance shall become effective in accordance with California law.

The Urgency Ordinance 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 June 28, 2021 is rendered inoperative and is repealed by the passage of this ordinance.

Introduced at a regular meeting of the Board of Supervisors held on the 20<sup>th</sup> day of July, 2021, and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 3rd day of August 2021, by the following roll call vote, to-wit:

AYES: Supervisors Huebner, LeBlanc, Dryden, and Adams

NOES: None

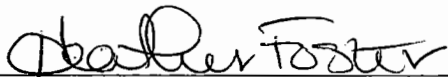
ABSENT: Supervisor Roen

ABSTAIN: None



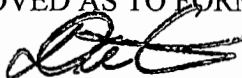
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Lee Adams  
Chair, Board of Supervisors  
Sierra County

ATTEST:



\_\_\_\_\_  
Heather Foster  
Clerk of the Board

APPROVED AS TO FORM:



\_\_\_\_\_  
David Prentice  
County Counsel