

BOARD OF FIRE COMMISSIONERS
MAMMOTH LAKES FIRE PROTECTION DISTRICT
MONO COUNTY, CALIFORNIA

ORDINANCE NO. # 08-03

An ordinance of the Mammoth Lakes Fire Protection District adopting the measures that will retard the rate of spread, and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken in the Mammoth Lakes Fire Protection District.

The Board of Fire Commissioners of the Mammoth Lakes Fire Protection District does ordain as follows:

SECTION #1:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush-covered lands, or grass covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

- (a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, flammable vegetation or other combustible growth, ***this also includes combustible material such as fire wood (from June 1st through September 30th) and other debris.*** This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover and stabilize the soil and prevent erosion, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
 - a. ***Fire resistant tarps or covers can be used when it is impossible to get at least 30' of clearance from the structure. The tarps must prevent embers from getting in or around the wood pile, and be properly secured.***

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the Fire Chief if he/she finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Maintain any tree and limbs adjacent to or overhanging any building free of dead or dying wood. If appropriate, remove all branches below the eave line of the structure.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

(g) Except as provided in Section 18930 of the Health and Safety Code, the Fire Chief may adopt regulations exempting structures with exteriors constructed entirely of nonflammable materials, or conditioned upon the contents and composition of same, he/she may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding said structures.

No such exemption or variance shall apply unless and until the occupant thereof, or if there be no occupant, then the owner thereof, files with the Fire District, in such form as the Fire Chief shall prescribe, a written consent to the inspection of the interior and contents of such structure to ascertain whether the

provisions hereof and the regulations adopted hereunder are complied with at all times.

SECTION #2 Violations:

(a) A first violation of this section is punishable by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500).

(b) If a person is convicted of a second violation within five years, that person shall be punished by a fine of not less than two hundred fifty dollars (\$250), nor more than five hundred dollars (\$500).

(c) If a person is convicted of a third violation within five years, that person is guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars (\$500). If a person is convicted of a third violation within five years, the Fire District may perform or contract for the performance of work necessary to comply with this ordinance and may bill the person convicted for the costs incurred, in which case the person convicted, upon payment of those costs, shall not be required to pay the fine. If a person convicted of a violation is granted probation, the court shall impose as a term or condition of probation, in addition to any other term or condition of probation that the person pays at least the minimum fine prescribed in this section.

(d) If a person convicted of a violation of this ordinance produces in court verification prior to imposition of a fine by the court, that the condition resulting in the citation no longer exists, the court may reduce the fine imposed for the violation to fifty dollars (\$50).

(e) Any person that wishes to contest a citation and fine may do so by notifying the Fire Chief in writing within 10 days of receiving the citation. This person shall include the reasons for the challenge. If the person contesting the citation and or fine does not find satisfaction with the Fire Chief they can further appeal to the Board of Fire Commissioners by notifying the Chairman of the Board of Fire Commissioners within 10 days following the notification of judgment by the Fire Chief.

Revised July 21, 2009

AYES:
NOES:
ABSTAIN:
ABSENT:

Chairman,
Board of Fire Commissioners

Attest, Brent Harper
Fire Chief