

FIRE

PREVENTION

GUIDEBOOK



**FOR PINE MOUNTAIN LAKE
PROPERTY OWNERS**

Prepared with the Cooperation of the
**CALIFORNIA DEPARTMENT OF FORESTRY
AND FIRE PROTECTION**

and the
GROVELAND COMMUNITY SERVICES FIRE DISTRICT

*Created March 1996
Revised July 2006*

FORWARD

In January of 1995 the Pine Mountain Lake Board of Directors adopted and endorsed a "Fire Safety Plan." That Plan addressed the vulnerability of PML properties, residents, visitors, and firefighters to the threat of wildland fire that existed at that time.

The Plan included recommendations to the Board of Directors and property owners.

During 1995 Pine Mountain Lake administration took aggressive action to comply with the decisions of the Board. Those actions include:

- More than 40 PML properties were cleared of excessive vegetation.
- The northern greenbelt in Unit 10 had a major reduction in the fuels that threatened adjacent homes.
- A detailed environmental study was completed that will allow a "forest health and fuel reduction" logging operation to begin in 1996 to start moving other greenbelt vegetative conditions back toward a more natural state.
- The California Department of Forestry and Fire Protection will enter into a cost share program with PML for further fuel reduction in other greenbelts.
- PML began its own program of prescribed burning for structure protection.

A number of property owners have seen the example set by PML and have taken more fire safety actions on their own properties.

All those efforts are commendable, but the job is not finished.

Close to a **half-billion dollars** of structural improvements exist in Pine Mountain Lake. Watershed, aesthetic, forest health, and wildlife values add more to that basic figure. All property owners are "shareholders" in the development, and as such need to contribute whatever effort they can to protect their investment.

GUIDEBOOK OBJECTIVES

This Guidebook has been prepared to meet four objectives:

1. To make all properties within the Association safer from wildland fire.
2. To protect or increase the property and aesthetic values that now exist within the subdivision.
3. To place all fire safety requirements and restrictions **pertinent to Pine Mountain Lake** in one place.
4. To improve owner compliance with all fire prevention and air-quality requirements.

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PINE MOUNTAIN LAKE ASSOCIATION'S ROLE IN FIRE PREVENTION

The Pine Mountain Lake Association (PML) is a "corporation" under the laws of California. As an association with subdivision roads and other amenities to maintain and manage, PML is legally considered by the State to be a "Common-Interest Development." That designation brings with it some considerable responsibilities, one of which is protection of Association assets. Whether they be streets, administration buildings, or greenbelts, PML has a significant obligation to both the State and property owners to maintain a safe environment within the subdivision.

The designation and responsibility of being a Common-Interest Development also gives the Association power to establish rules and regulations for its shareholders. Those rules and regulations **may not be less than required by Federal, State, or local laws but they can require more than the established minimums.** PML has chosen to "take the high road" in all aspects of wildland fire prevention.

The PML Board has determined that safety from Midland fire is a priority for the Association. Following that determination, the Board has established wildland fire prevention rules included here. Many of the rules exceed current law in their requirements; **none are excessive in terms of public and property safety.** All are to be considered as "part and parcel" of previously-published "Association Rules."

The information in this document complies with Federal, State, and local laws and decisions of the PML Board of Directors.

LAWS AND REGULATIONS APPLICABLE TO ALL PROPERTY OWNERS

****NOTE**** Excerpts from current laws are included in the Appendix. The excerpts are only those most pertinent to Pine Mountain Lake. Property owners must understand that there are many more laws about fire than can be covered in this Guidebook.

It is the property owners responsibility to comply with all laws whether listed here or not.

ALL PROPERTIES IN PML ARE SUBJECT TO THE FOLLOWING:

BURNING

1. During the official fire season declared by the California Department of Forestry and Fire Protection (CDF), any outside burning must have a valid permit issued by CDF. This requirement includes “burn barrels” and incinerators. Clearance around the burn area will be specified in the permit.
2. Owners who leave fires unattended or allow fires set by them to escape, either on their own lands or to lands of another can be liable for fire-suppression costs and may be fined.
3. The Pine Mountain Lake Association may suspend any outdoor burning during certain parts of the fire Season, even if CDF permits are still valid. Notices of any such suspension will be posted in prominent places, and property owners will be notified. Violations of such suspensions are considered violations of Association Rules, and penalties can be assessed.
4. State law and Tuolumne County ordinance require that outdoor burning must be limited to those times declared as “permissive burn days” by the Tuolumne County Air Pollution Control District. Burning on a “No Burn” day can result in heavy fines.

EQUIPMENT USE

1. State law requires that any internal combustion engine such as chain saws, “weed eaters,” and tractors, must be equipped with a functioning spark arrester. Fire suppression tools (shovel, backpack, and/or water-flowing hose) must be on site.
2. Welding and other repair or construction machinery is included in these restrictions. There must be clearance of flammable materials and fire suppression capability at all work sites.
3. No off-road vehicles of any type are allowed on PML streets, common properties, and greenbelts.

FIREWORKS

1. Tuolumne County Ordinance Specifically forbids use of “ALL” fireworks.

LAWS AND REGULATIONS APPLICABLE TO DEVELOPED PROPERTIES

CLEARANCE AROUND STRUCTURES

1. The California Public Resources Code (Section 4291) establishes the requirements for clearance of flammable and fire-threatening vegetation around structures. **The minimum distance specified for clearance is one hundred (100) feet**, or to the property line, whichever is nearer.
2. Section 4291 of the Code allows that such distance may be **extended to an owner’s property line, or to one hundred (100) feet**, whichever is closer. (See Appendix 7 for specific details.)
3. Other forms of “flammable fuels clearance” are described in the Public Resources Code. These include cleaning of roofs and gutters of leaves, and pine needles, storing firewood away from the structure, keeping tree limbs away from the fireplace or chimney outlets, and also providing an approved spark arrester for those outlets. (Appendix 1)
4. If trees within one hundred fifty (150) feet of a structure are considered fire hazards, they may be removed pursuant to the California Code of Regulations. There are more **than a dozen limitations in this regulation**. Owners should

consult with a Registered Professional Forester or the Department of Forestry Area Forester (209-532-3063) before taking any action to remove hazardous trees. (Appendix 2)

5. PINE MOUNTAIN LAKE REQUIREMENTS:

A. **The Environmental Control Committee** has established the following “Fire Program Cleanup Requirements”:

- 1) Cut grass and weeds on entire lot and clean up leavings within sixty (60) feet of any owned structure. Leave an inch of grass within this zone for erosion control.
- 2) Clean up all dead and down debris on the ground that is more than one (1) inch but less than fourteen (14) inches in diameter. *(These are the materials that burn with great intensity and spread fire rapidly during fire season.)*
- 3) Trim tree limbs. Limbing should be limited to about one-third of the tree’s height, or about three times the height of fuels underneath and surrounding the tree. (Appendix 3)
- 4) Thin trees and brush. The end result of such thinning should be a reduction of vegetation over about fifty percent of the area; that is, about fifty percent is “open,” and the other fifty percent has a “cover” or “canopy” of vegetation that has been cleared underneath as described in “A” and “B” herein. It is acceptable to leave groups of small trees and/or clumps of brush for aesthetics and wildland habitat **as long as the end result on the property provides about a fifty-percent canopy opening beyond the 100-foot minimum clearance around structures**. (Appendix 4)
- 5) Stumps of trees and brush should be cut as low to the ground as possible to avoid leaving tripping hazards. Stump cuts should also be flat rather than sloped so as to prevent puncture wounds if one should fall on them.
- 6) Any debris burning done during fire season must be accomplished in accordance with (a) a valid CDF Burning Permit, (b) Association Rules, and (c) Air Pollution Control “permissive burn day” declarations.
- 7) Soil movement erosion should not be accelerated by fire protection activities. If any heavy equipment, such as bulldozers or backhoes, have been used in clearing operations, **contact the PML Maintenance Department** for advice on mitigation measures.
- 8) Keep streets and curbs free of dirt and clearing debris.
- 9) Leaves, needles, and grass that result from clearing may be taken to the PML campground area mulch pile everyday from 7 a.m.-7 p.m, weather permitting. **No plastics, construction debris or other “nonnatural” materials may be deposited.**
- 10) No existing tree with a diameter greater than five (5) inches shall be destroyed, uprooted, or cut down without first obtaining a permit from the Association.

B. **The Pine Mountain Lake Fire Safety Plan includes four additional recommendations:**

- 1) Every home should have at least two external water outlets with hoses and nozzles attached during wildland fire season. At least fifty (50) feet of hose should be provided at each spigot.
- 2) All wooden decks should be completely enclosed with a perimeter foundation and fireresistive material if those decks are located above topographic slopes greater than 20 percent. Homes with multi-story decks should install screens of not over one-fourth (1/4) inch mesh on upper levels. Fuelwood, papers, and other flammable materials (including grass) should **not be kept** under decks.
- 3) All foundation and attic vents should be “double-covered.” Foundation vents should be covered with (minimum) 14" galvanized screening, protected on the outside by metal louvres. Attic vents should be of 1/8" mesh and louvered.
- 4) Existing shake or shingle roofs on any structure should be replaced with fire-resistant roofing at first opportunity.

LAWS AND REGULATIONS APPLICABLE TO UNDEVELOPED PROPERTIES

****NOTE**** *Undeveloped properties in Pine Mountain Lake that have not had sufficient vegetative fuel reduction present a significant wildland fire threat to adjacent homes, other lots, and Association aesthetic values.*

State law is essentially “silent” concerning this threat on properties within established subdivisions. Not much in the way of guidance exists for clearing requirements or vegetative reduction to promote fire safety.

However, there are some strict requirements concerning the sale or trade of any “commercial products” resulting from any clearing that is done.

1. State law prohibits the sale or trade of wood products without a valid license or permit. If the fire safety clearing of an undeveloped lot may result in wood products that will be sold or traded, **property owners are advised to contact a Registered Professional Forester, the CDF Area Forester (532-3063) or a Licensed Timber Operator about the best way to proceed,** (Contact the Environmental Control Committee or the Maintenance Department for references.)

2. *Pine Mountain Lake Requirements:*

A. The basic goal of the Association is to reduce current vegetative fuel volumes on undeveloped lots by approximately fifty (50) percent. That reduction should come primarily from the interruption or elimination of continuous areas of vegetation that can extend fire along the ground and up into higher vegetation. The Appendix contains diagrams that can help readers understand ways to do this.

B. Undeveloped lots with minor-to-moderate vegetation loads may only have to cut and remove grass clippings along road, driveway, and property boundaries. (Subject to PML requirements.)

C. Owners of lots with medium-to-continuous horizontal and/or vertical continuity of fuels (Appendix 3 and 4) will have to take action to reduce those continuities.

- 1) PML will contact owners with determinations of required actions.
- 2) Where excessive workloads might exist to meet all fire requirements a progressive plan of action may be approved by PML in accordance with Article V Section 13 of Association Rules.

INSPECTION AND ENFORCEMENT PROCEDURES

Employees of the Maintenance Department and members of the Environmental Control Committee are responsible for implementing the recommendations in the Fire Safety Plan and this Fire Prevention Guide. **They will respond promptly to any request for advice or guidance concerning fire prevention.**

As part of their normal daily travels, the Maintenance and ECC members will observe the conditions on various properties and note deficiencies. They may from time to time be called upon by concerned owners of adjacent properties when those owners feel threatened by failures of their neighbors to comply with fire safety practices.

With any deficiency (whether noted by PML or called to their attention by others), the following process will be initiated:

1. A letter outlining the deficiencies will be sent to the property owner by PML. This letter will specify ways to correct observed problems and offer to meet with the owner to develop a plan of action.
2. If the owner does not commence correction action in the time specified by PML (or mutual agreement), then actions described in Association Rules will be started.

Violations of State or local regulations will be referred to CDF, Groveland Fire Department, or Tuolumne County, depending on the nature of the violation. Any or all of these agencies may choose to take legal action to correct deficiencies.



APPENDIX

I. Make Your Home Fire Safe!

Millions of Californians live in residential developments that border fire-prone wildlands. Each year hundreds of homes in these “suburban” and rural areas are lost to wildfire outbreaks. According to the California Department of Forestry and Fire Protection (CDF), homeowners can substantially increase the chance of their home surviving a wildfire by following these fire-safe practices:

1. Maintain a “defensible” space around your home by clearing all flammable vegetation a minimum of 60 feet around the Structure. Clear dead leaves and branches to leave widely-spread ornamental shrubbery and trees.
2. Clean all needles and leaves from the roof, eaves, and rain gutters.
3. Trim all limbs within 10 feet of your chimney, and trim all dead limbs hanging over your house or garage.
4. Cover your chimney outlet or flue with a spark-arresting 1/2” mesh screen.
5. Stack woodpiles at least 30 feet from buildings, fences, and other combustible materials.
6. Clear all vegetation and other flammable materials from beneath your deck. Enclose undersides of elevated decks with fire-resistant materials.

II. Removal Of Fire Hazard Trees Exemption

The following are limitations or requirements for timber operations conducted under this Notice of Exemption.

1. Timber operations may not commence until five (5) days after the receipt of this notice by the appropriate CDF office as listed below. If CDF acts within five (5) days of receipt of the notice, timber operations cannot be conducted unless a copy of the Director’s notice of acceptance of the exemption is on hand at the operating site. If the actual commencement date of time operations is different than the tentative date listed on the front of this form, the timber operator must notify the appropriate CDF Ranger Unit, by phone or mail, of the actual commencement date within a 15-day period before timber operations begin.
2. 14CCR 1038(b)(1-10) places certain limits on the harvesting of trees under this exemption. These limits need to be examined to assure compliance.
3. Only trees within 150 feet of an approved and permitted residence (Group R occupancy as defined in the Uniform Building Code) may be harvested under this Notice of Exemption. Clear-cutting, reed tree removal step, or shelterwood removal Step are not allowed under this Notice of Exemption.
4. Timber operations conducted under this notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to “Timber Harvesting Plan” “THP,” and “plan.” Timber operations must conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within

which the exemption is located. The requirements to submit a completion and stocking report do not normally apply.

5. There are special requirements for timber operations conducted in Coastal Commission Special Treatment Areas, the Tahoe Regional Planning Agency area, and in counties with special rules adopted by the Board of Forestry. These rules should be reviewed prior to submitting this notice to CDF.
6. All surface fuels created by timber operations under this exemption which could promote the spread of wildfire, including logging slash and debris, deadwood, branches exceeding 1" in diameter, and brush (killed by the timber operation), shall be chipped, burned, or removed within 45 days of the start of timber operations.
7. In addition to the treatment described in 6 above, the areas of timber operations must meet the vegetation treatment standards in PRC4584(j)(1)-(2)(A) as illustrated in Board of Forestry Technical Rule Addendum No. 4 within one year from receipt of the Notice of Acceptance issued by CDF.
8. A timber operator with a valid State License must be designated upon submission of this notice.

The following suggestions may help ensure your compliance with the Forest Practice Rules.

1. Timber owners, timberland owners, and timber operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Exemption. Copies may be obtained from Barclays Law Publishers, P.O. Box 3066, So. San Francisco, CA 94080, or from CDF, Forest Practice Section, P.O. Box 944246, Sacramento, CA 94244-2460.
2. In addition to providing the specific legal description it is helpful to describe the access route to the timber operation so that it can be easily located and/or include an assessor's parcel map for small areas.

FILE THIS NOTICE WITH THE NEAREST CDF OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

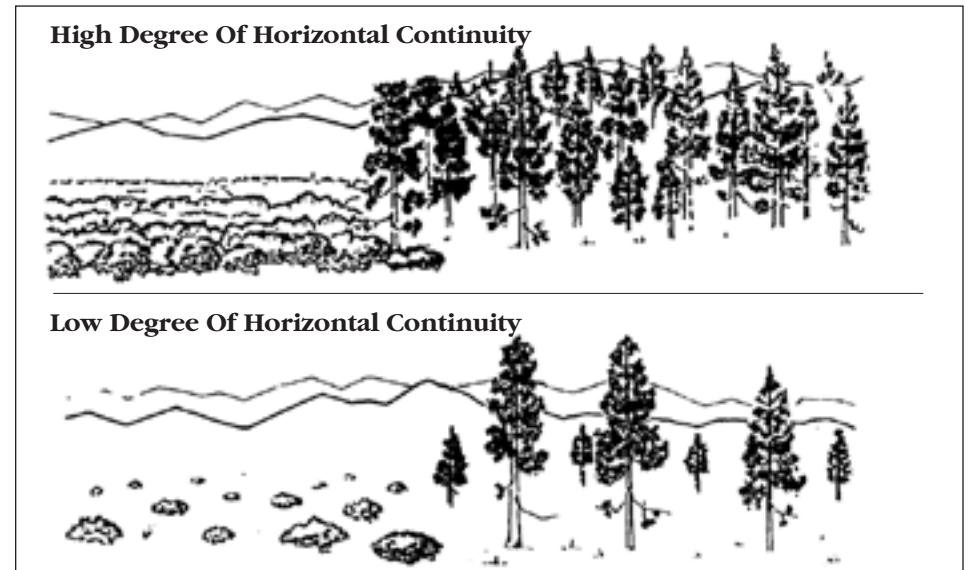
Humboldt, Del Norte, Mendocino, Sonoma, Marin, Lake, Napa, Colusa, Solano, Alameda, San Mateo, Santa Cruz, Santa Clara, Contra Costa, and western Trinity Counties: P.O. Box 670, Santa Rosa, CA 95402.

Siskiyou, Modoc, Shasta, eastern Trinity, Lassen, Tehama, Glenn, Butte, Sutter, Plumas, Yuba, Sierra, Nevada and Placer Counties: 6105 Airport Road, Redding, CA 96002.

El Dorado, Amador, Alpine, Calaveras, Tuolumne, Mariposa, Merced, Fresno, Tulare, Kern, Stanislaus, San Benito, Monterey, King, San Joaquin and Sacramento Counties: 1234 Shaw Ave., Fresno, CA 93710.

Ventura, Los Angeles, San Bernardino, Orange, Riverside, Inyo, Mono, San Diego and Imperial Counties: 9424 Mulberry St., Riverside, CA 92501.

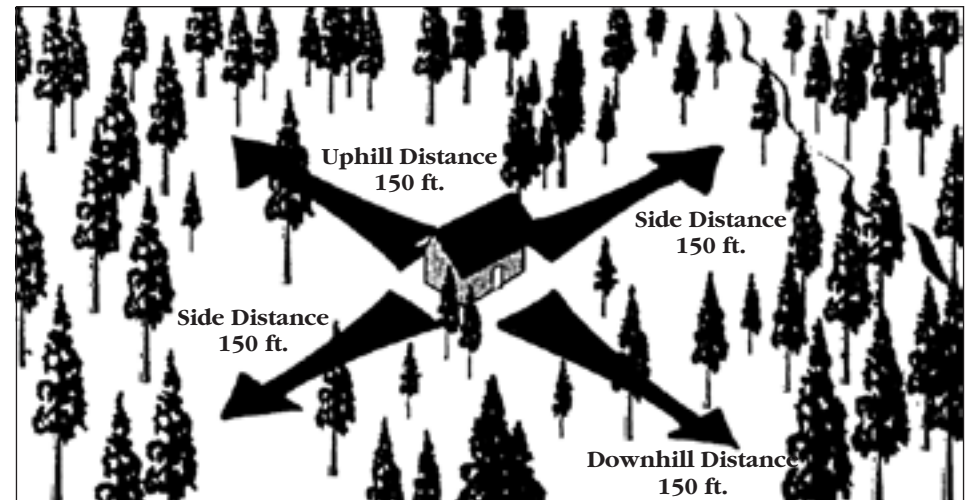
IV. Reduction Of Horizontal Continuity Of Fuels



- Do not remove all small trees. They represent the next generation of mature trees in the forest.
- Leave a variety of age classes or sizes of small trees and a mixture of different species.
- Retain sugar pine and incense cedar to promote species diversity. Selection of large trees (i.e., greater than 6 inches dbh) for removal and the actual cutting should be performed by professional foresters and qualified tree fellers. Determining which trees should be removed is required to be performed by a qualified forester. These individuals possess the expertise necessary to: (1) identify hazardous and unhealthy trees, (2) reduce the risk of wind-thrown trees, and (3) develop a management plan to promote forest health.

By reducing the horizontal continuity of forested areas the risk of crown fire can be minimized. In addition, this practice may promote forest health and reduce the drought-related impacts to native trees.

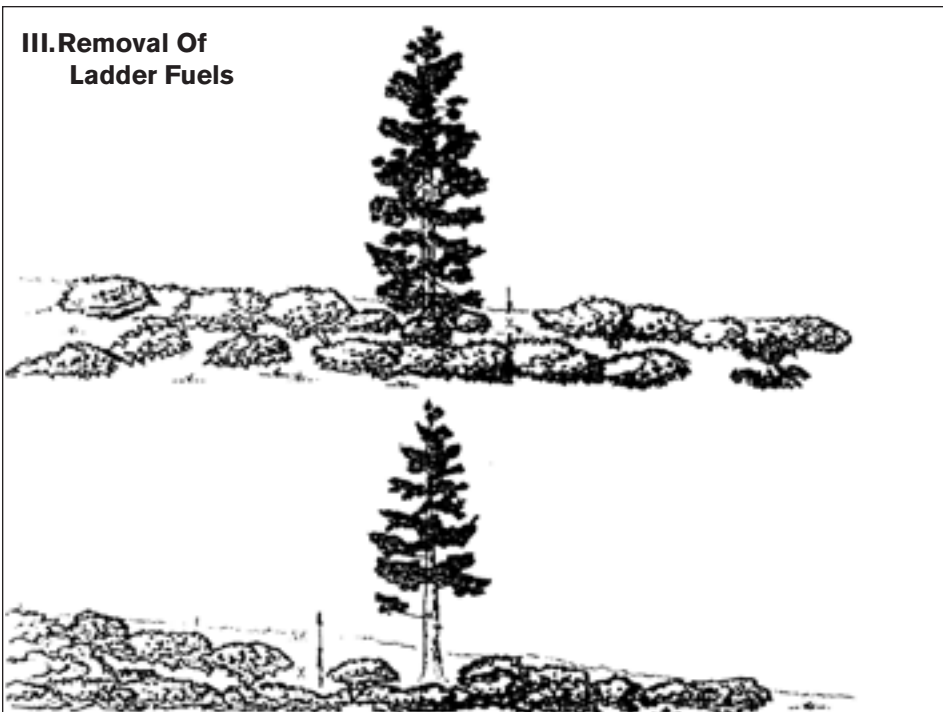
V. Recommended Defensible Space Distances For a 30% Slope



VI. Seven Steps To Creating a Defensible Space

STEP ONE	Determine the amount of defensible space necessary, property boundaries and ownership of adjacent parcels.
STEP TWO	Evaluate the area surrounding your home in terms of being a defensible space.
STEP THREE	Develop a plan for correcting the problems identified during Step Two; coordinate with adjacent landowners, if necessary, and incorporate existing formal landscape features.
STEP FOUR	Secure necessary permits and have trees marked for removal by a qualified forester (if applicable).
STEP FIVE	Implement the plan developed in Step Three.
STEP SIX	Remove all slash generated by fuel modification efforts as soon as possible.
STEP SEVEN	Maintain the defensible space on a routine basis.

III. Removal Of Ladder Fuels



DEFENSIBLE SPACE DISTANCES*

PERCENT SLOPE	DISTANCE FROM HOUSE		
	UPHILL**	SIDES**	DOWNHILL**
LEVEL TO 20%	100 feet	100 feet	100 feet
21% TO 40%	150 feet	150 feet	200 feet
41% TO 60%	200 feet	200 feet	400 feet

* Adapted from "Wildland fire risk meter," Simmerman and Fischer (1990)
 ** Refers to direction of slope from the house

VII. EXCERPTS FROM STATE FIRE LAWS APPLICABLE TO FOREST FIRE PREVENTION

("department" means Department of Forestry and Fire Protection "director" means Director of Forestry and Fire Protection)

REWARD FOR ARSON INFORMATION

A reward of up to ten thousand dollars (\$10,000) shall be paid out of any state funds which are made available to the department for fire protection to any person, other than a regularly-paid firefighter, peace officer, or agent or employee of the department, whose information leads to the arrest and conviction or commitment to a public facility, of any person who wilfully and maliciously sets fire to, or who attempts to willfully and maliciously set fire to, any property which is included within any state responsibility area, as established under the provisions of the Public Resources Code (PRC).

PERMITS FOR BURNING

A person shall not burn any brush, stumps, logs, fallen timber, fallows, slash, grass-covered land, brush-covered land, forest-covered land, or other flammable material in any state responsibility area, area receiving the protection by the department by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless he/she has a written permit from the department or its duly-authorized representative or the authorized federal officer on federal lands administered by the United States Departments of Agriculture or Interior and in strict accordance with the terms of the permit. (PRC 4423)

SETTING FIRES OR BURNING ON LANDS OF ANOTHER

A person shall not set fire or cause fire to be set to any forest, brush, or other flammable material which is on any land that is not his/her own, or under his/her legal control, without the permission of the owner, lessee, or agent of the owner or lessee of the land. (PRC 4421)

A person shall not light, maintain, or use a campfire upon any brush-covered land, grass-covered land, or forest-covered land which is the property of another person unless he/she first obtains a written permit from the owner, lessee, or agent of the owner or lessee of the property.

If, however, campsites and special areas have been established by the property owner and posted as areas for camping, a permit is not necessary. (PRC 4433)

Any violation of the terms of a burning permit that is issued pursuant to Section 4423 is prima-facie evidence of noncompliance with the terms of the permit and renders the permit null and void. (PPC 4425)

SUSPENSION OF BURNING

Burning under permit or other uses of open fire by any person on public or private lands, except within incorporated cities, may be suspended or otherwise prohibited by proclamation, which shall be applicable within their respective jurisdictions:

- a) the director,
- b) any county fire warden with the approval of the director,
- c) the federal officers directing activities within California of the United States Bureau of Land Management, the National Park Service, and the United States Forest Service.

The proclamation may be issued when in the judgment of the issuing public official the menace of destruction by fire to life, improved property, or natural resources is, or is forecast to become, extreme due to critical fire weather, fire

suppression forces being heavily committed to control fires already burning, acute dryness of the vegetation, or other factors that may cause the rapid spread of fire. A proclamation shall be effective on issuance or at a time specified therein and remain in effect until an order of termination is issued. The proclamation shall declare the conditions that necessitate its issuance designate the geographic area to which it applies, require that all or specified uses of open fire or burning under permit be suspended until the conditions necessitating the proclamation abate and identify the public official issuing the proclamation. The proclamation shall be immediately released to the news media serving the area affected. Upon termination of a proclamation, the public shall be given immediate notice thereof through the news media serving the area affected thereby. (PRC 4423)

FIRE HAZARD REDUCTION**CLEARANCES AROUND STRUCTURES**

Any person that owns, has 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 the following:

- a) Maintain around and adjacent to such building or structure a firebreak made by moving and clearing away, for a distance not less than 100 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery or similar plants which are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
- 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 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the director if he/she finds that, because of extra hazardous conditions, a firebreak of only 100 feet from such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 100 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 adjacent to or overhanging any building free of dead or drying wood.
- 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) The director 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 files with the department, in such form as the director 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. (PRC 4291)

CAMPFIRES

A written campfire permit duly issued by or under the authority of the U.S. Forest Service is necessary for use on land under the jurisdiction and control of the U.S. Forest Service. (PRC 4433)

A person shall not leave a campfire kindled or unattended, burning or extinguished, unless one of the following requirements is satisfied:

- a) He/she leaves some person in attendance.
- b) The fire is enclosed within a stove, oven, drum, or other nonflammable container in such manner that the fire cannot escape from the container.
- c) The fire is within a permanent dwelling regularly and permanently inhabited by human beings at that time.

No person shall allow a campfire kindled or attended by him/her to spread after it is built. (PRC 4432)

INCINERATORS

Every person shall exercise reasonable care in the disposal of flammable material so that the material does not cause the inception of or spread of uncontrolled fire. A person shall not burn any flammable material in any incinerator within any state responsibility area, within any area receiving the protection by the director by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless all of the following minimum requirements are complied with:

- a) The area within 10 feet of the exterior of the incinerator is maintained free and clear of all flammable material and vegetation.
- b) A screen constructed of a nonflammable material, with no greater than 1/4" mesh, or metal doors shall close or cover each opening in the exterior of an incinerator to prevent the escape of flames, sparks, ashes, or other burning material which might cause an uncontrolled fire.
- c) A permit is obtained prior to burning for the use of the incinerator pursuant to Section 4423 and all other applicable provisions of law.

The provisions of this section do not apply to the disposal of flammable material incident to the processing of forest products. (PRC 4446)

EQUIPMENT

During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tar pots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

- a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.
- b) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one portable backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in such an area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land within 25 feet from any flammable material without providing and maintaining at the immediate locations of use or operation of said saw or tool for firefighting purposes one serviceable round point shovel with an overall length of not less than forty-six (46) inches or one serviceable fire extinguisher. The director shall, by administration regulation, specify the type and size of the fire extinguisher necessary to provide at least minimum assistance of controlling fire caused by use of portable power tools under various climatic and fuel conditions.

The required fire tools shall at no time be farther from the point of operation of the power saw or tool than 25 feet with unrestricted access for the operator from the point of operation. (PRC 4431)

SPARK ARRESTERS

Except as otherwise provided in this section, a person shall not use or operate any internal-combustion engine which is operated on hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land without

providing and maintaining in effective working order a spark arrester attached to the exhaust system. For the purposes of this section, a spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that is operated by hydrocarbon fuels. Motor trucks, truck tractors, busses, and passenger vehicles, except motorcycles, are not subject to the provisions of this section if the exhaust system is equipped with a muffler, as defined in the Vehicle Code.

Spark arresters affixed to the exhaust system of engines or vehicles, as described in this section, shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material. (PRC 4442) Spark arrester, as used in this section, is as defined in Section 4442 of the Public Resources Code.

MULTIPOSITION SMALL ENGINES

No person shall use, operate, or cause to be operated on any forest-covered land, brush-covered land, or grass-covered land, any hand-held portable, multi-position, or internal-combustion engine manufactured after June 30, 1978 which is operated on hydrocarbon fuels, unless it is constructed and equipped and maintained for the prevention of fire. (PRC 4443)

Engine, multi-position small engine (MSE), which must comply with PRC 4443 (above), is defined as any internal-combustion engine operated on hydrocarbon fuels that normally is hand-held when operated by one or more persons, which can and may be operated in any position, including but not limited to inverted. (14 CAC 1240)

All MSE which are manufactured after June 30, 1978 must conform to the SAE J335b minimum standards to prevent the ignition of fire in organic fuels consisting of or developed from forest, brush, or grass vegetation. The MSE exhaust system; (a) or a spark arrester used in or with such exhaust system shall be designed to retain or destroy 90 percent or more of the carbon particles having a major diameter greater than 0.023 inches (0.584); (b) shall be designed so that the exposed surface temperature shall not exceed 550°F (288°C); (c) shall be designed so that the exhaust gas temperature shall not exceed 475°F (246°C); (d) shall be designed in such a manner that there are no pockets or corners where flammable material might accumulate; (e) must be constructed of durable material and so designed that it will, with normal use and maintenance, provide a reasonable service life. Parts designed for easy replacement as a part of routine maintenance shall have a service life of not less than 50 hours. Cleaning of parts shall not be required more frequently than once for each eight hours of operation; (f) spark arrester shall be so designed that it may be readily inspected and cleaned (14 CAC 1241). The operator shall maintain the exhaust system so that it will at all times meet or exceed the minimum performance standards set forth above. Failure to meet said requirements is a violation of PRC 4443, a misdemeanor (14 CAC 124.2).

FIREWORKS

It is unlawful for any person to sell, offer for sale, use, discharge, possess, store, or transport any type of fireworks within this state unless the State Fire Marshal has classified and registered such fireworks. (H&SC 12671)

It is unlawful for any person to sell, transfer, give, deliver, or otherwise convey title of any dangerous fireworks, including fireworks kits, to any person in this state who does not possess and present to the seller or donor for inspection at the time of transfer a valid permit to receive, use, or transport dangerous fireworks, as provided in this part. (H&SC 12676)

It is unlawful for any person to possess dangerous fireworks without holding a valid permit. (H&SC 12677)

It is unlawful for any person to place, throw, discharge, ignite, or fire dangerous fireworks at any person or group of persons where there is a likelihood of injury to any such person. (H&SC 12680)

The State Fire Marshal, his salaried deputies, or any chief of a fire department or his, authorized representative, any fire protection agency, or any other public agency authorized by statute to enforce the State Fire Marshal's regulations, may seize any fireworks described in this part. (H&SC 12721)

Tuolumne County Ordinance and PML Rules prohibit the use of **ANY** fireworks.

**PENALTIES
MISDEMEANORS**

Every person is guilty of a misdemeanor who, at a forest fire, does any of the following:

- a) Disobeys the lawful orders of any public officer or firefighter.
- b) Offers any resistance to or interference with the lawful efforts of any firefighters or company of firefighters to extinguish the fire.
- c) Engages in any disorderly conduct which is calculated to prevent the fire from being extinguished.
- d) Forbids, prevents, or dissuades others from assisting to extinguish the fire.
- e) Rides, drives, or propels any vehicle or conveyance upon, over, or across any firehose or chemical hose which is used by or in charge of any public officer or firefighter, or injures or damages in any manner any such hose or apparatus of any kind which is in use by or in charge of any public officer or firefighter. (PRC 4165)

The escape of any campfire from the control of any person who is maintaining the campfire is prima-facie evidence that such person was negligent in maintaining the campfire. (PRC 4434)

Every person is guilty of a misdemeanor who allows a fire kindled or attended by him/her to escape from his/her control or to spread to the lands of any person, other than the builder of the fire, without using every reasonable and proper precaution to prevent the fire from escaping. (H&SC 13000)

Every person is guilty of a misdemeanor who through careless or negligent action throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance or any substance or thing which may cause a fire in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tea pot, or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to ensure against the starting and spreading of fire. (H&SC 13001)

No person in any vehicle and no pedestrian shall throw or discharge from or upon any road or highway or adjoining area, public or private, any lighted or nonlighted cigarette, cigar, match, or any flaming or glowing substance. This section shall be known as the Paul Buzzo Act. (VC 23111)

If any fire originates from the operation or use of any engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or any other device which may kindle a fire, the occurrence of the fire is prima-facie evidence of negligence in the maintenance, operation, or use of such engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or other device. If such fire escapes from the place where it originated and it can be determined which person's negligence caused such fire, such person is guilty of a misdemeanor. (PRC 4435)

LIABILITIES

Any person who personally or through another willfully, negligently, or in violation of law sets fire to, allows fire to be set to, or allows a fire kindled or attended by him/her to escape to the property of another, whether privately or publicly owned, is liable to the owner of such property for any damages to the property caused by the fire. (H&SC 13007)

Any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire is liable to the owner of such property for the damages to the property caused by the fire. (H&SC 13008)

SUPPRESSION COSTS COLLECTIBLE

Any person who negligently or in violation of the law sets a fire, allows a fire to be set, or allows a fire kindled or attended by him/her to escape onto any public or private property is liable for the fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services, and those costs shall be a charge against that person. The charge shall constitute a debt of that person and is collectible by the person or by the federal, state, county, public,

or private agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

Any act of willful misconduct of a minor which results in injury or death of another person or in any injury to the property of another shall be imputed to the parents having custody or control of the minor for all purposes of civil damages, and such parents having custody or control shall be jointly and severally liable with such minor for any damages resulting from such willful misconduct.

The joint and several liability of the parent or guardian having custody and control of a minor under this subdivision shall not exceed ten thousand dollars (\$10,000). The liability imposed by this section is in addition to any liability now imposed by law.

Any act of willful misconduct of a minor which results in the defacement of property of another with paint or similar substance shall be imputed to the parent or guardian having custody and control of that minor for all purposes of civil damages, including court costs and attorney's fees to the prevailing party, and the parent or guardian having custody and control shall be jointly and severally liable with the minor for any damages resulting from the willful misconduct, not to exceed ten thousand dollars (\$10,000) for each tort of the minor. (CIVIL 1714.1)

DISCLOSURE RESPONSIBILITY OF SELLERS OF REAL PROPERTY

Each seller of real property in State Responsibility Areas (SRA) is required to disclose to any prospective purchaser that the property is in a wildland area which poses a wildfire risk and/or hazard. Each seller shall also disclose that the property is required to meet the flammable vegetation clearance requirements of PRC 4291. The seller must also disclose to any prospective buyer that it is not the state's responsibility to provide fire-protection services to any building or structure located within the wildlands unless the State has entered into an agreement with local government to provide structure fire protection. (PRC 4136)

FIRE-RESISTIVE ROOFING

Roofs in all new buildings in State Responsibility Areas (SRA) must have at least a Class C fire-resistive or non-combustible roof covering. A Class C or non-combustible roof covering is also required when 50% or more of the roof area is reroofed. A local jurisdiction may apply more stringent standards. The installer of the roof covering shall provide certification of the roof covering classification to the building owner and, when requested, to the inspection authority. (UBC, California Amendments, Section 3203)

VIII. Excerpt From The 1991 Uniform Fire Code 11.302-11.303 Enforced By Groveland Community Services Fire District

- d) Combustible Vegetation. Cut or uncut weeds, grass, vines, and other vegetation shall be removed when determined by the Chief to be a fire hazard. When the Chief determines that total removal of growth is impractical due to size or environmental factors, approved fuel breaks shall be established. Designated areas shall be cleared of combustible vegetation to establish the fuel breaks.

REMEMBER...
**FIRE PREVENTION IS
EVERYONE'S
RESPONSIBILITY.**
**HELP KEEP
PINE MOUNTAIN LAKE
SAFE**