

EXCERPTS FROM STATE LAWS*

*For full and current text, meaning and proper context of laws and regulations, reference should be made to the applicable codes, manuals, directives, etc.

(PRC) Public Resources Code (H&SC) Health & Safety Code (CCR) California Code of Regulations

STATE LAW LEGAL AUTHORITY

FIRE HAZARD REDUCTION AND EQUIPMENT

CLEARANCES AROUND STRUCTURES

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous or forest, brush covered lands, or any land covered with flammable material, shall do all the following:

- (a) Maintain around and adjacent to building or structures a fuelbreak for a distance of not less than 30 feet on each side or to the property line, whichever is nearer. This does not apply to single 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.
- (c) Maintain around and adjacent to any building or structure additional fire protection or firebreak 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 Director, because of extra hazardous conditions. 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 adjacent to or overhanging any building free of dead or dying 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. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size. (PRC 4291)

INCINERATORS

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

- (a) The area within 10 feet of the incinerator is maintained clear of all flammable material and vegetation.
- (b) A screen constructed of a nonflammable material, with no greater than 1/2 inch mesh, or metal door, cover each opening in the exterior to prevent the escape of burning material.
- (c) A permit is obtained prior to burning. (PRC 4446)

EQUIPMENT

During any time of the year when burning permits are required in an area, no person shall use or operate any motor, engine boiler, stationary equipment, welding equipment, cutting torch, tar pot, or grinding device which is located on or near any forest, brush, or grass covered land, without doing both of the following:

- (a) Clearing away all flammable material, including snags, around such operation for 10 feet.
- (b) Maintain one serviceable round point shovel and one backpack pump water type fire extinguisher ready for use at the immediate area during the operation.

This section does not apply to portable tools powered by gasoline. (PRC 4427)

No person, except any member of an emergency crew or publicly or privately owned utility service vehicle, shall use or operate any vehicle, machine, tool or equipment powered by an engine operated on hydrocarbon fuels in any industrial operation located on or near any forest, brush, or grass covered land between April 1 and December 1 of any year, or at any other time when ground litter and vegetation will sustain combustion, without providing, for fire fighting purpose only, tools prescribed in this section.

- (a) On any such operation a sealed box of tools shall be located at a point accessible in the event of fire. This toolbox shall contain: one backpack pump type fire extinguisher, two axes, two McLeod fire tools and a sufficient number of shovels so that each employee can be equipped to fight fire.
- (b) One or more chain saws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area, or a full set of timber falling tools shall be located in the fire toolbox.
- (c) Each rail speeder and passenger vehicle shall be equipped with one shovel and one ax, and any other vehicle shall be equipped with one shovel. Each tractor shall be equipped with one shovel. (PRC 4428)
- During any time of the year when burning permits are required, a person shall not use or operate any steam-operated engine, machine equipment, mill or industrial plant, located on or near forest or brush covered land, without providing one adequate force or water under pressure equivalent to a pump, and not less than 200 feet of hose not less than one inch in diameter for each steam-operated

engine or equipment. The pump or water pressure shall be capable of applying a minimum of 40 pounds pressure at the nozzle on 200 feet of hose, nozzle to be one-fourth inch or larger in diameter. If two steam-operated engines or equipment are operated within 100 feet of each other, only one engine or equipment need be equipped. (PRC 4430)

- During any time of the year when burning permits are required, no person shall use or operate or cause to be operated any portable tool powered by a gasoline engine on or near any forest, brush, or grass covered land, within 25 feet from any flammable material, without providing at the immediate locations one round point shovel or one fire extinguisher. The Director shall specify the type and size of fire extinguisher necessary. The required fire tools shall at no time be farther than 25 feet from the operation. (PRC 4431)

SPARK ARRESTERS

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 uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service. (PRC 4442)

- Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester maintained in effective working order. Spark arresters affixed to the exhaust system of engines 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.

Engines used to provide motive power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

Motor vehicles when being operated in an organized racing or competitive event upon a closed course are not subject to this section if the event is conducted under the auspices of a recognized sanctioning body and by permit issued by the fire protection authority having jurisdiction.

AGRICULTURAL CROP EQUIPMENT

Every person is guilty of a misdemeanor who:

- (a) Sells, offers for sale, leases, or rents to any person any tractor, engine, machine, or truck equipped with an engine operated on hydrocarbon fuels if either:
 - (1) It is specifically designed for use in harvesting or moving grain or hay or for use on land covered with any flammable agricultural crop, unless the exhaust system of such engine is equipped with a spark arrester in effective working order.
 - (2) It is not specifically designed for any of the uses described in paragraph (1) but could be used for such uses, unless such person provides written notice to the purchaser or bailee of criminal liability for operating it without a spark arrester as provided in sub-division (b) unless the engine is equipped with a spark arrester.
- (b) Operates or causes to be operated any tractor, engine, machine, or truck equipped with an internal combustion engine that uses hydrocarbon fuels in harvesting or moving grain or hay, or on land covered with any other flammable agricultural crop, unless the engine is equipped with a spark arrester maintained in effective working order.

Spark arrester is defined in Section 4442 of the Public Resources Code.

Spark arresters attached to the exhaust system of engines shall not be placed or mounted in a manner to allow flames or heat from the exhaust system to ignite flammable material.

Motortrucks, truck tractors, buses and passenger vehicles, except motorcycles, are not subject to the provisions of paragraph (2) of subdivision (a) if the exhaust system is equipped with a muffler as defined in the Vehicle Code. (H&SC 13005)

MULTIPOSITION SMALL ENGINES

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

Engine, multiposition small engine (Mse.) which must comply with PRC 4443 is defined as any internal combustion engine 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 (14 CCR 1240).

All Mse. which are manufactured after June 30, 1978, must conform to SAE J335b minimum standards to prevent the ignition of fire in organic fuels consisting of, or developed from forest, brush, or grass vegetation (14 CCR 1241.2).

- All Mse. manufactured prior to July 1, 1978, which do not meet the minimum performance standards in 14 CCR 1241 - 1241.2 shall be equipped with a spark arresting device, installed in, attached to, or constructed as an integral part of the exhaust system, equipped with a woven screen with a maximum opening size of 0.0232 inches and is constructed of 0.013 inches or larger diameter, heat and corrosion resistant wire or has a usable life of 50 hours or more. (14 CCR 1242.1)

POWER LINE RIGHTS-OF-WAY

- Any person that owns, controls, operates, or maintains any electrical transmission or distribution line on any mountainous, or forest, brush, or grass covered land shall maintain around any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction, or tower. (PRC 4292)
- Any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous, or forest, brush, or grass covered land shall maintain a clearance between all vegetation and all conductors which are carrying electric current:
 - (a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, four feet.
 - (b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, six feet.
 - (c) For any line which is operating at 110,000 or more volts, 10 feet (PRC 4293)

RAILROAD RIGHTS-OF-WAY

- Any person or corporation operating a railroad on forest, brush, or grass covered land shall, if ordered, destroy, remove, or modify so as not to be flammable any vegetation or other flammable material defined by regulation of the Director to be a fire hazard on the railroad right-of-way. (PRC 4296.5)

SOLID WASTE FACILITIES (DUMPS)

A person shall maintain any solid waste facility outside of the exterior boundaries of any city in strict accordance with the terms and conditions prescribed by the following sections:

- Any solid waste facility, for which a person is required, shall be maintained with a clearance of flammables for a minimum distance of 150 feet from the periphery of any exposed flammable solid waste.
 - (a) Any structure, building, or part of any structure or building located within 150 feet of the periphery of any exposed flammable solid waste shall also be maintained with a clearance of flammables for a minimum of 150 feet from the periphery of the structure or building.
 - (b) Sound and living trees may be left standing within the areas required to be cleared of flammables, provided limbs within 10 feet of the ground and all dead limbs are removed and wildfire cannot travel into the tree canopy and the trees do not pose a fire safety threat or prevent fire equipment access to and near the exposed waste.
 - (c) Selected and isolated shrubs may remain within the areas required to be cleared of flammables if all dead material is removed and each shrub is trimmed up so that fire cannot travel through the shrub canopy or pose a fire safety threat. (PRC 4373)
- Any solid waste facility, for which a permit is required, shall be provided with a clearance of flammables for a minimum distance of 30 feet from the periphery of any exposed flammable solid waste.
 - (1) Any structure or building or any part of a structure or building which is located within 30 feet of the periphery of any exposed flammable solid waste shall also be maintained with a clearance of flammables for a minimum distance of 30 feet from the periphery of the structure or building.
 - (2) The fire protection agency may, in writing, require additional minimum flammable clearance provisions not to exceed any of the minimum clearance provisions of Section 4373. A reasonable time for compliance with the additional clearance provisions shall be specified in the written notice. (PRC 4374)

PERMITS FOR BURNING

- A person shall not burn any brush, stumps, logs, fallen timber, fallows, slash, grass, brush, forest, or other flammable material in any area receiving fire protection by the department or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless he 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)

CAMPFIRES

- A person shall not light, maintain, or use a campfire upon any brush, grass, or forest covered land which is the property of another person unless he first obtains a written permit from the owner, lessee, or agent of the owner or lessee of the property. If campsites have been established and posted for camping, a permit is not necessary. (PRC 4433)