

1. INTRODUCTION

Public Resources Code (PRC) Section 4291 – “Clearance Around Structures” states:

"Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area of 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 fire break 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, 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 fire break 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 director if he finds that, because of extra hazardous conditions, a fuel break of only 30 feet from such building or structure is not sufficient to provide reasonable fire and life safety. Grass and other vegetation located more than 30 feet 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 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 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."

This law was enacted to prevent fire that originates in structures or on premises to spread into forested areas. It was also created to minimize the chances of a forest fire entering into populated areas and destroying improved property and endangering human life. The history of damaging fires has shown the most devastating danger is the risk of fire originating in the wildland and transmitting itself into improved areas. Most statutory hazard reduction requirements and other hazard reduction measures are based upon this concept. However, the risk of wildfire originating on or about structures and their premises is great, and also causes historically damaging fires. The statutory hazard reduction requirements, and other hazard and risk measures, also mitigate the occurrence of structure and premise wildfire ignitions. PRC 4291 does not apply to a specific jurisdiction, but does apply to specific fuel conditions which are identified in the opening paragraph.