

## Appendix L

### STATUTES AND REGULATIONS

This appendix has been designed to present only those laws and regulations, or portions thereof, which pertain more or less directly to structural fire prevention and protection in and near the wildlands. As such, this appendix should only be used as a quick field reference. For full and current text, meaning and proper context of laws and regulations, reference should be made to the applicable codes, manuals, directives, etc.

#### I. STATE LAWS

##### A. *Health and Safety Code (HSC)*

###### Section 13108.5 - Buildings in Fire Hazard Severity Zones

The State Fire Marshal shall propose, and the State Building Standards Commission shall adopt, amend, and repeal regulations for openings into the attic areas of buildings in those fire hazard severity zones, including very high fire hazard severity zones, designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 420 1) of Chapter I of Part 2 of Division 4 of the Public Resources Code, and in very high fire hazard severity zones designated by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code.

###### Section 13109 - Inspection Authority; Structural.

The State Fire Marshal, his or her deputies, or his or her salaried assistants, the chief of any city or county fire department or fire protection district and their authorized representatives may enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his or her deputies, his or her salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect them at the time and for the purpose stated in this section.

###### Section 13132.7 – Roofing Regulations.

(a) Within a very high fire hazard severity zone designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code and within a very high hazard severity zone designated by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(b) In all other areas, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class C as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(c) Notwithstanding subdivision (b), within state responsibility areas classified by the State Board

of Forestry and Fire Protection pursuant to Article 3 (commencing with Section 4125) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, except for those state responsibility areas designated as moderate fire hazard responsibility zones, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(d) (1) Notwithstanding subdivision (a), (b), or (c), within very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code or by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class A as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(2) Paragraph (1) does not apply to any jurisdiction containing a very high fire hazard severity zone if the jurisdiction fulfills both of the following requirements:

(A) Adopts the model ordinance approved by the State Fire Marshal pursuant to Section 51189 of the Government Code or an ordinance that substantially conforms to the model ordinance of the State Fire Marshal.

(B) Transmits, upon adoption, a copy of the ordinance to the State Fire Marshal.

(e) The State Building Standards Commission shall incorporate the requirements set forth in subdivisions (a), (b), and (c) by publishing them as an amendment to the California Building Standards Code in accordance with Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13.

(f) Nothing in this section shall limit the authority of a city, county, city and county, or fire protection district in establishing more restrictive requirements, in accordance with current law, than those specified in this section.

(g) This section shall not affect the validity of an ordinance, adopted prior to the effective date for the relevant roofing standard specified in subdivisions (a) and (b), by a city, county, city and county, or fire protection district, unless the ordinance mandates a standard that is less stringent than the standards set forth in subdivision (a), in which case the ordinance shall not be valid on or after the effective date for the relevant roofing standard specified in subdivisions (a) and (b).

(h) Any qualified historical building or structure as defined in Section 18955 may, on a case-by-case basis, utilize alternative roof constructions as provided by the State Historical Building Code.

(i) The installer of the roof covering shall provide certification of the roof covering classification, as provided by the manufacturer or supplier, to the building owner and, when requested, to the agency responsible for enforcement of this part. The installer shall also install the roof covering in accordance with the manufacturer's listing.

(j) (1) No wood roofing materials shall be sold in this state unless:

(A) On and after January 1, 1997, the materials have passed at least one year of the 10-year natural weathering test.

(B) On and after January 1, 1998, the materials have passed at least two years of the 10-year natural weathering test.

(C) On and after January 1, 1999, the materials have passed at least three years of the 10-year natural weathering test.

(D) On and after January 1, 2000, the materials have passed at least four years of the 10-year natural weathering test.

(E) On and after January 1, 2001, the materials have passed at least five years of the 10-year natural weathering test.

(2) The 10-year natural weathering test required by this subdivision shall be conducted in accordance with standard 15-2 of the 1994 edition of the Uniform Building Code at a testing facility recognized by the State Fire Marshal.

(k) The Insurance Commissioner shall accept the use of fire retardant wood roofing material that meets the requirements of this section, used in the partial repair or replacement of nonfire retardant wood roofing material, as meeting the requirement in Section 2695.9 of Title 10 of the California Code of Regulations relative to matching replacement items in quality, color, and size.

## *B. Government Code*

### Section 51175 – Fire Prevention.

The Legislature hereby finds and declares as follows:

(a) Fires are extremely costly, not only to property owners and residents, but also to local agencies. Fires pose a serious threat to the preservation of the public peace, health, or safety. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public peace, health, or safety.

(b) The prevention of fires is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and panic safety requirements, as otherwise authorized by law.

(c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and panic safety requirements, as otherwise authorized by law.

### Section 51176 – Fire Hazard Classification.

The purpose of this chapter is to classify lands in the state in accordance with whether a very high fire hazard is present so that public officials are able to identify 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.

### Section 51177 - Definitions.

As used in this chapter:

(a) "Director" means the Director of Forestry and Fire Protection.

(b) "Very high fire hazard severity zone" means an area designated by the director pursuant to Section 51178 that is not a state responsibility area.

(c) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.

(d) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the native growth to any occupied dwelling or structure.

(e) "State responsibility areas" means those areas identified pursuant to Section 4102 of the Public Resources Code.

### Section 51178 – Identification of Very High Fire Hazard Severity Zones.

(a) The director shall identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors.

(b) On or before January 1, 1995, the director shall identify areas as very high fire hazard severity zones in the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura. This information shall be transmitted to all local agencies with identified very high fire hazard severity zones within 30 days.

(c) On or before January 1, 1996, the director shall identify areas as very high fire hazard severity zones in all other counties. This information shall be transmitted to all local agencies with identified high fire hazard severity zones within 30 days.

#### Section 51178.5 – Public Review.

Within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, a local agency shall make the information available for public review. The information shall be presented in a format that is understandable and accessible to the general public, including, but not limited to, maps.

#### Section 51179 – Designation by Local Agency.

(a) A local agency shall designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178. A local agency shall be exempt from this requirement if ordinances of the local agency, adopted on or before December 31, 1992, impose standards that are equivalent to, or more restrictive than, the standards imposed by this chapter.

(b) A local agency may, at its discretion, exclude from the requirements of Section 51182 an area identified as a very high fire hazard severity zone by the director within the jurisdiction of the local agency, following a finding supported by substantial evidence in the record that the requirements of Section 51182 are not necessary for effective fire protection within the area.

(c) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

#### Section 51180 – Natural Conditions.

For the purposes of Division 3.6 (commencing with Section 810) of Title 1, vegetation removal or

management, undertaken in whole or in part, for fire prevention or suppression purposes shall not be deemed to alter the natural condition of public property. This section shall apply only to natural conditions of public property and shall not limit any liability or immunity that may otherwise exist pursuant to this chapter.

Section 51181 – Periodic Review.

The director shall periodically review the areas in the state identified as very high fire hazard severity zones pursuant to this chapter, and as necessary, shall make recommendations relative to very high fire hazard severity zones. This review shall coincide with the review of state responsibility area lands every five years and, when possible, fall within the time frames for each county's general plan update. Any revision of areas included in a very high fire hazard severity zone shall be made in accordance with Sections 51178 and 51179.

Section 51182 – Vegetation Management.

(a) Any person who owns, leases, controls, operates, or maintains any occupied dwelling or occupied structure in, upon, or adjoining any mountainous area, forest-covered land, brush-covered land, grass-covered land, or any land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, shall at all times do all of the following:

(1) Maintain around and adjacent to the dwelling 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, all flammable vegetation or other combustible growth. This paragraph does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any dwelling or structure.

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

(3) Remove that portion of any trees that extends within 10 feet of the outlet of any chimney or stovepipe.

(4) Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

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

(6) 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 and installed in accordance with the California Building Standards Code.

(b) A person is not required under this section to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon or to damage property that is owned by any other person without the consent of the owner of the property.

Section 51183 - Exemptions.

(a) The local agency may exempt from the standards set forth in Section 51182 structures with exteriors constructed entirely of nonflammable materials, or conditioned upon the contents and composition of the structure, and may vary the requirements respecting the removing or clearing away of flammable

vegetation or other combustible growth with respect to the area surrounding the structures. In no case shall this subdivision be deemed to authorize a local agency to vary any requirement that is a building standard subject to Section 18930 of the Health and Safety Code, except as otherwise authorized by law.

(b) No exemption or variance shall apply unless and until the occupant thereof, or if there be no occupant, then the owner thereof, files with the local agency a written consent to the inspection of the interior and contents of the structure to ascertain whether the provisions of Section 51182 are complied with at all times.

#### Section 51183.5 – Natural Hazard Disclosure.

(a) A transferor of real property that is located within a very high fire hazard severity zone, designated pursuant to this chapter, shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone, and is subject to the requirements of Section 51182.

(b) Disclosure is required pursuant to this section only when one of the following conditions is met:

(1) The transferor, or the transferor's agent, has actual knowledge that the property is within a very high fire hazard severity zone.

(2) A map that includes the property has been provided to the local agency pursuant to Section 51178, and a notice is posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the local agency.

(c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

(1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.

(2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.

(d) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a very high fire hazard zone, the transferor shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 of the Civil Code that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.

(e) Section 1103.13 of the Civil Code shall apply to this section.

(f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

#### Section 51184 – Environmental Exceptions.

(a) Section 51182 shall not apply to any land or water area acquired or managed for one or more of the following purposes or uses:

(1) Habitat for endangered or threatened species, or any species that is a candidate for listing as an endangered or threatened species by the state or federal government.

(2) Lands kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.

(3) Open space lands that are environmentally sensitive parklands.

(4) Other lands having scenic values, as declared by the local agency, or by state or federal law.

(b) This exemption applies whether the land or water area is held in fee title or any lesser interest. This exemption applies to any public agency, any private entity that has dedicated the land or water areas to one or more of those purposes or uses, or any combination of public agencies and private entities making

that dedication.

(c) This section shall not be construed to prohibit the use of properly authorized prescribed burning to improve the biological function of land or to assist in the restoration of desired vegetation.

(d) In the event that any lands adjacent to any land or water area described in subdivision (a) are improved such that they are subject to Section 51182, the obligation to comply with Section 51182 shall be with the person owning, leasing, controlling, operating, or maintaining the occupied dwelling or occupied structure on the improved lands. All maintenance activities and other fire prevention measures required by Section 51182 shall be required only for the improved lands, not the land and water areas described in subdivision (a).

#### Section 51185 – Penalties for Violations.

(a) A violation of Section 51182 is an infraction 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 of Section 51182 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 of Section 51182 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).

#### Section 51186 – Notification of Violation.

The local agency having jurisdiction of property upon which conditions regulated by Section 51182 are being violated shall notify the owner of the property to correct the conditions. If the owner fails to correct the conditions, the local agency may cause the corrections to be made, and the expenses incurred shall become a lien on the property that is the subject of the corrections when recorded in the county recorder's office in the county in which the real property is located. The priority of the lien shall be as of the date of recording. The lien shall contain the legal description of the real property, the assessor's parcel number, and the name of the owner of record as shown on the latest equalized assessment roll.

#### Section 51187 – Public Nuisance.

Any violation of Section 51182 may be considered a public nuisance pursuant to Section 38773.

#### Section 51188 – Conflicting Statutes.

In the instance of conflict between this chapter and any provision of state law that allows a regional planning agency to regulate very high fire hazard severity zones, this chapter shall prevail.

#### Section 51189 – Space and Structure Defensibility.

(a) The Legislature finds and declares that space and structure defensibility is essential to diligent fire prevention. This defensibility extends beyond the vegetation management practices required by this chapter, and includes, but is not limited to, measures that increase the likelihood of a structure to withstand intrusion by fire, such as building design and construction requirements that use fire resistant building materials, and provide protection of structure projections, including porches, decks, balconies and eaves, and structure openings including attic and eave vents and windows.

(b) No later than July 1, 1996, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection, shall prepare and adopt a model ordinance that provides for comprehensive space and

structure defensibility, including in very high fire severity zones.

(c) Upon adoption of the model ordinances, the State Fire Marshal shall transmit copies of the ordinance to the appropriate local agencies in every jurisdiction that contains a very high fire hazard severity zone, and to the Director of Forestry and Fire Protection.

(d) The State Fire Marshal shall make every feasible effort to obtain funds from federal, state, local, and other appropriate sources to assist in developing and preparing the model ordinance.

C. *Public Resources Code (PRC)*

Section 4202 - Classification of Zones.

The director shall classify lands within state responsibility areas into fire hazard severity zones. Each zone shall embrace relatively homogeneous lands and shall be based on fuel loading, slope, fire weather, and other relevant factors present.

Section 4203 - Designation of Zones and Fire Hazard Ratings.

(a) The director shall, by regulation, designate fire hazard severity zones and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone.

(b) No designation of a zone and assignment of a rating shall be adopted by the director until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located at least 45 days prior to the adoption of the proposed regulation and a public hearing has been held in that county during that 45-day period.

Section 4204 - Review of Zones and Maps.

The director shall periodically review zones designated and rated pursuant to this article and, as necessary, shall revise zones or their ratings or repeal the designation of zones. Any revision of a zone or its rating or any repeal of a zone shall conform to the requirements of Section 4203. In addition, the revision or repeal of a zone may be petitioned pursuant to Sections 113 40.6 and 11340.7 of the Government Code.

Section 4205 - Report of Legislative Committees.

The Director of Forestry and Fire Protection shall, not later than December 1, 1995, report to the appropriate committees of the Legislature on the impacts of designating very high fire hazard severity zones pursuant to Article 9 (commencing with Section 420 1) of Chapter I of Part 2 of Division 4, and Chapter 6.8 (commencing with Section 51175) of Part I of Division I of Title 5 of the Government Code, including identifying and recommending how to reconcile any disparities between the different mapping programs.

Section 4290 - Adoption of Building Standards within State Responsibility Areas.

(a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as

defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:

- (1) Road standards for fire equipment access.
- (2) Standards for signs identifying streets, roads, and buildings.
- (3) Minimum private water supply reserves for emergency fire use.
- (4) Fuel breaks and greenbelts.

(b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

#### Section 4291 - Defensible Space.

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, 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 ail 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 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 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) Except as provided in Section 18930 of the Health and Safety Code, 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, or if there be no occupant, then the owner 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.

#### Section 4291.1 - Defensible Space; Violation.

(a) Notwithstanding Section 4021, a violation of Section 4291 is an infraction punishable by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500). If a person is convicted of a second violation of Section 4291 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). If a person is convicted of a third violation of Section 4291 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 of Section 4291 within five years, the department may perform or contract for performance of work necessary to comply with Section 4291 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 of Section 4291 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 pay at least the minimum fine prescribed in this section.

(b) If a person convicted of a violation of Section 4291 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 of Section 4291 to fifty dollars (\$50).

#### *D. California Code of Regulations*

##### Section 1270 - SRA Fire Safe Regulations – Title14

These regulations shall be known as the "SRA Fire Safe Regulations," and shall constitute the basic wildland fire protection standards of the California Board of Forestry.

##### Section 1270.01 - Purpose.

These regulations have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and developments in SRA. A local jurisdiction may petition the Board for certification pursuant to section 1270.03. Where Board certification has not been granted, these regulations shall become effective September 1, 1991. The future design and construction of structures, subdivisions and developments in State Responsibility Area (SRA) shall provide for basic emergency access and perimeter wildfire protection measures as specified in the following articles. These measures shall provide for emergency access; signing and building numbering; private water supply reserves for emergency fire use; and vegetation modification. The fire protection standards which follow shall specify the minimums for such measures.

##### Section 1270.02 - Scope.

These regulations do not apply to existing structures, roads, streets and private lanes or facilities. These regulations shall apply as appropriate to all construction within SRA approved after January 1, 1991. Affected activities include but are not limited to:

- (a) permitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d),
- (b) application for a building permit for new construction, not relating to an existing structure,
- (c) application for a use permit,
- (d) the siting of manufactured homes (manufactured homes are as defined by the National Fire Protection Association, National Fire Code, section 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities, chapter 1, section 1-2, Definitions, page 4, 1987 edition and Health and Safety Code sections 18007, 18008, and 19971),
- (e) road construction, including construction of a road that does not currently exist, or extension of an existing road.

##### Section 1270.03 - Local Ordinances.

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulations of any state or local jurisdiction providing such ordinance, rule, regulation or general plan element is equal to or more stringent than these minimum standards. The Board may certify local ordinances as equaling or exceeding these regulations when they provide the same practical effect.

#### Section 1270.04 - Provisions for Application of These Regulations

This subchapter shall be applied as follows:

- (a) local jurisdictions shall provide the Director with notice of applications for building permits, tentative parcel maps, tentative maps, and use permits for construction or development within SRA.
- (b) the Director shall review and make fire protection recommendations on applicable construction or development permits or maps provided by the local jurisdiction.
- (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction or development permit or map.

#### Section 1270.05 - Inspection Authority.

- (a) Inspection shall be made pursuant to section 1270.06 by:
  - (1) the Director, or
  - (2) local jurisdictions that have assumed state fire protection responsibility on SRA lands, or
  - (3) local jurisdictions where these regulations have been implemented through that jurisdiction's building permit or subdivision approval process.
- (b) Reports of violations shall be provided to the CDF Ranger Unit headquarters that administers SRA fire protection in that county.

#### Section 1270.06 - Inspections.

The inspection authority may inspect for compliance with these regulations. When inspections are conducted, they should occur prior to: the issuance of the use permit; certificate of occupancy; the recordation of the parcel map or final map; the filing of a notice of completion; or the final inspection of any project or building permit.

#### Section 1270.07 - Exceptions to Standards.

Upon request by the applicant, exceptions to standards within this subchapter and mitigated practices may be allowed by the inspection authority, where the exception provides the same overall practical effect as these regulations towards providing defensible space.

#### Section 1270.08 - Requests for Exceptions.

Requests for an exception shall be made in writing to the inspection authority by the applicant or the applicant's authorized representative. The request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception or mitigating measure proposed, and a map showing the proposed location and siting of the exception or mitigation measure.

#### Section 1270.09 - Appeals.

Where an exception is not granted by the inspection authority, the applicant may appeal such denial to the

local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes.

Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildland fire protection.

If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the CDF Ranger Unit headquarters that administers SRA fire protection in that county.

#### Section 1271.00 - Definitions.

**Accessory building:** Any building used as an accessory to residential, commercial, recreational, industrial, or educational purposes as defined in the California Building Code.

**Agriculture:** Land used for agricultural purposes as defined in a local jurisdiction's zoning ordinances.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy that is defined in the California Building Code. For the purposes of this subchapter, building includes mobile homes and manufactured homes, churches, and day care facilities.

**CDF:** California Department of Forestry and Fire Protection.

**Dead-end road:** A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads.

**Defensible space:** The area within the perimeter of a parcel, development, neighborhood or community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures.

**Development:** As defined in section 66418.1 of the California Government Code.

**Director:** Director of the Department of Forestry and Fire Protection or his/her designee.

**Driveway:** A vehicular access that serves no more than two buildings, with no more than 3 dwelling units on a single parcel, and any number of accessory buildings.

**Dwelling unit:** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and/or sanitation for not more than one family.

**Exception:** An alternative to the specified standard requested by the applicant that may be necessary due to health, safety, environmental conditions, physical site limitations or other limiting conditions such as recorded historical sites, that provides mitigation of the problem.

**Fire valve:** see hydrant.

**Fuel modification area:** An area where the volume of flammable vegetation has been reduced, providing reduced fire intensity and duration.

**Greenbelt:** A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

**Hammerhead/T:** A roadway that provides a "T" shaped, three-point turnaround space for emergency equipment, being no narrower than the road that serves it.

**Hydrant:** A valved connection on a water supply/storage system, having at least one 2 1/2 inch outlet, with male American National Fire Hose Screw Threads (NH) used to supply fire apparatus and hoses with water.

**Local Jurisdiction:** Any county, city/county agency or department, or any locally authorized district that issues or approves building permits, use permits, tentative maps or tentative parcel maps, or has authority

to regulate development and construction activity.

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

One-way road: A minimum of one traffic lane width designed for traffic flow in one direction only.

Roads, streets, private lanes: Vehicular access to more than one parcel; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

Roadway: Any surface designed, improved, or ordinarily used for vehicle travel.

Roadway structures: Bridges, culverts, and other appurtenant structures which supplement the roadway bed or shoulders.

Same Practical Effect: As used in this subchapter, means an exception or alternative with the capability of applying accepted wildland fire suppression strategies and tactics, and provisions for fire fighter safety, including:

- (a) access for emergency wildland fire equipment,
- (b) safe civilian evacuation,
- (c) signing that avoids delays in emergency equipment response,
- (d) available and accessible water to effectively attack wildfire or defend a structure from wildfire,

and

- (e) fuel modification sufficient for civilian and fire fighter safety.

Shoulder: Roadbed or surface adjacent to the traffic lane.

State Board of Forestry (SBOF): A nine member board, appointed by the Governor, which is responsible for developing the general forest policy of the state, for determining the guidance policies of the Department of Forestry and Fire Protection, and for representing the state's interest in federal land in California.

State Responsibility Area (SRA): As defined in Public Resources Code sections 4126-4127; and the California Code of Regulations, title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: As defined in section 66424 of the Government Code.

Traffic lane: The portion of a roadway that provides a single line of vehicle travel.

Turnaround: A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

Turnouts: A widening in a roadway to allow vehicles to pass.

Vertical clearance: The minimum specified height of a bridge or overhead projection above the roadway.

Wildfire: As defined in Public Resources Code sections 4103 and 4104.

#### Section 1272.00 - Maintenance of Defensible Space Measures.

To ensure continued maintenance of properties in conformance with these standards and measures and to assure continued availability, access, and utilization of the defensible space provided for in these standards during a wildfire, provisions for annual maintenance shall be included in the development plans and/or shall be provided as a condition of the permit, parcel or map approval.

#### Section 1273.00 - Emergency Acces - Intent.

Road and street networks, whether public or private, unless exempted under section 1270.02(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with sections 1273.00 through 1273.11.

#### Section 1273.01 - Road Width.

All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing twoway traffic flow, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements.

Section 1273.02 - Roadway Surface.

The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting a 40,000 pound load.

Section 1273.03 - Roadway Grades.

The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent.

Section 1273.04 - Roadway Radius.

(a) No roadway shall have a horizontal inside radius of curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet.

(b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than 100 feet.

Section 1273.05 - Roadway Turnarounds.

Turnarounds are required on driveways and dead-end roads as specified in this article. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

Section 1273.06 - Roadway Turnouts.

Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25 foot taper on each end.

Section 1273.07 - Roadway Structures.

(a) All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code sections 35550, 35750, and 35250.

(b) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single land conditions, shall reflect the capability of each bridge.

(c) A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

Section 1273.08 - One-way Roads.

All one-way roads shall be constructed to provide a minimum of one 10-foot traffic lane. The local jurisdiction may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than 10 dwelling units. In no case, shall it exceed 2640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

Section 1273.09 - Dead-End Roads.

(a) The maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

- parcels zoned for less than one acre - 800 feet
- parcels zoned for 1 acre to 4.99 acres - 1320 feet
- parcels zoned for 5 acres to 19.99 acres - 2640 feet
- parcels zoned for 20 acres or larger - 5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

(b) Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.

(c) Each dead-end road shall have a turnaround constructed at its terminus.

Section 1273.10 -Driveways.

All driveways shall provide a minimum 10 foot traffic lane and unobstructed vertical clearance of 15 feet along its entire length.

(a) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

(b) A turnaround shall be provided at all buildings sites on driveways over 300 feet in length, and shall be within 50 feet of the building.

Section 1273.11 - Gate Entrances.

(a) Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.

(b) All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Where a one-way road with a single traffic lane provides access to a gated entrance, a 40 foot turning radius shall be used.

Section 1274.00 - Signing and Building Numbering - Intent

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads, streets, and buildings shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. This section shall not restrict the size of letters or numbers appearing on street signs for other purposes.

Section 1274.01 - Size of Letters, Numbers and Symbols for Street and Road Signs

Size of letters, numbers, and symbols for street and road signs shall be a minimum 3 inch letter height, 3/8 inch stroke, reflectorized, contrasting with the background color of the sign.

Section 1274.02 - Visibility and Legibility of Street and Road Signs

Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at

least 100 feet.

Section 1274.03 - Height of Street and Road Signs.

Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this article.

Section 1274.04 - Names and Numbers on Street and Road Signs

Newly constructed or approved public and private roads and streets must be identified by name or number through a consistent county-wide system that provides for sequenced or patterned numbering and/or non-duplicating naming within each county. All signs shall be mounted and oriented in a uniform manner. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

Section 1274.05 - Intersecting Roads, Streets and Private Lanes.

Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets, and/or private lanes.

Section 1274.06 - Signs Identifying Traffic Access Limitations.

A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed:

- (a) at the intersection preceding the traffic access limitation, and
- (b) no more than 100 feet before such traffic access limitation.

Section 1274.07 - Installation of Road, Street and Private Lane Signs

Road, street and private lane signs required by this article shall be installed prior to final acceptance by the local jurisdiction of road improvements.

Section 1274.08 - Addresses for Buildings

All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.

Section 1274.09 - Size of Letters, Numbers and Symbols for Addresses.

Size of letters, numbers and symbols for addresses shall be a minimum 3 inch letter height, 3/8 inch stroke, reflectorized, contrasting with the background color of the sign.

Section 1274.10 - Installation, Location and Visibility of Addresses.

(a) All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible for the road on which the address is located.

(b) Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

(c) Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

(d) Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

#### Section 1275.00 - Emergency Water Standards - Intent.

Emergency water for wildfire protection shall be available and accessible in quantities and locations specified in the statute and these regulations, in order to attack a wildfire or defend property from a wildfire.

Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man-made containment structure, as long as the specified quantity is immediately available.

#### Section 1275.01 - Application.

The provisions of this article shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved.

#### Section 1275.10 - General Standards.

Water systems that meet or exceed the standards specified in Public Utilities Commission of California (PUC) revised General Order # 103, Adopted June 12, 1956 (Corrected September 7, 1983, Decision 83-09-001), section VIII Fire Protection Standards and other applicable sections relating to fire protection water delivery systems, static water systems equaling or exceeding the National Fire Protection Association (NFPA) Standard 123 1, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 1989 Edition, or mobile water systems that meet the Insurance Services Office (ISO) Rural Class 8, 2nd Edition 3-80, standard shall be accepted as meeting the requirements of this article. These documents are available at CDF Ranger Unit Headquarters.

Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency.

Where freeze protection is required by local jurisdictions, such protection measures shall be provided.

#### Section 1275.15 - Hydrant/Fire Valve.

(a) The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor farther than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.

The hydrant serving any building shall:

(1) be not less than 50 feet nor more than 1/2 mile by road from the building it is to serve, and

(2) be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.

(b) The hydrant head shall be brass with 2 1/2 inch National Hose male thread with cap for pressure and gravity flow systems and 4 1/2 inch draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. They shall have suitable crash protection as required by the local jurisdiction.

Section 1275.20 - Signing of Water Sources.

Each hydrant/fire valve or access to water shall be identified as follows:

- (a) if located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches shall be located on the driveway address sign and mounted on a fire retardant post, or
- (b) if located along a street or road,
  - (1) a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with the sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway, or
  - (2) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Section 1276.00 - Fuel Modification Standards - Intent.

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelts shall provide

- (1) increased safety for emergency fire equipment and evacuating civilians; and
- (2) a point of attack or defense from a wildfire.

Section 1276.01 - Setback for Structure Defensible Space.

- (a) All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of a road.
- (b) For parcels less than 1 acre, local jurisdictions shall provide for the same practical effect.

Section 1276.02 - Disposal of Flammable Vegetation and Fuels.

Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

Section 1276.03 - Greenbelts.

Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection authority.

Section 1280 - Fire Hazard Severity Zones

The fire hazard severity zones and the rating reflecting the degree of severity of fire hazard that is expected to prevail in those zones, shall be designated by the Director and delineated on a series of maps on file in the Sacramento Office of the Department of Forestry, 1416 Ninth Street, Room 1653-10. The maps are entitled "Maps of Fire Hazard Severity Zones in the State Responsibility Area of California," dated August 1984.

## **II. FEDERAL REGULATIONS**

*U. S. Forest Service Title 36 Code of Federal Regulations (36 CFR)*

Section 261.52 - Fire. When provided by an order, the following are prohibited:

- (a) Building, maintaining, attending or using a fire, campfire, or stove fire.
- (b) Using an explosive.
- (c) Smoking.
- (d) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.
- (e) Going into or being upon an area.
- (f) Possessing, discharging or using any kind of firework or other pyrotechnic device.
- (g) Entering an area without any firefighting tool prescribed by the order.
- (h) Operating an internal combustion engine except on a road.
- (i) Welding, or operating an acetylene or other torch with open flame.
- (j) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order, meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) the appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a).
- (k) Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of fires.

**Note:** By authority of this regulation several California statutes have been adopted as Federal Regulations on National Forest land. See below.

*Order No. 91-1.*

#### Fire Restrictions—Pacific Southwest Region

Pursuant to 36 CFR 261.50 (a) and (b), each of the following is prohibited on lands, Forest Development Roads or Trails under my jurisdiction:

1. Building, maintaining, attending or using a fire, campfire or stove fire in any area outside a developed recreation site. 36 CFR 261.52(a).
  - (a) In Zone A as defined in California Public Resources Code 4413.
  - (b) In Zone B as defined in California Public Resources Code 4413, from May 1 until the date the hazardous fire conditions have been proclaimed abated for the year.
2. Using an explosive. 36 CFR 261.52(b)
3. Smoking, except within an enclosed vehicle or building, a developed recreation site, a designated smoking area, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. 36 CFR 261.52(d).
  - (a) In Zone A as defined in California Public Resources Code 4413.
  - (b) In Zone B as defined in California Public Resources Code 4413, from May 1 until the date the hazardous fire conditions have been proclaimed abated for the year.
4. Possessing, discharging or using any kind of firework or other pyrotechnic device. 36 CFR 261.52(f).
5. Welding or operating any acetylene or other torch with open flame. 36 CFR 261.52(i).
  - (a) In Zone A as defined in California Public Resources Code 4413.
  - (b) In Zone B as defined in California Public Resources Code 4413, from May 1 until the date that the hazardous fire conditions have been proclaimed abated for the year.
6. Operating or using any internal or external combustion engine on any timber, without a spark

arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) appropriate Society of Automotive Engineers (SAE) Recommended Practice J335(b) and J350(a). Motor trucks, truck tractors, buses and passenger vehicles, except motorcycles, are not subject to the provisions if the exhaust system is equipped with a muffler as defined in the California Vehicle Code. 36 CFR 261.52(j).

7. Violating any of the following California State Forest and Fire Laws on National Forest Boundary, or adjacent thereto, when such act or omission affects, threatens, or endangers property of the United States administered by the Forest Service. 36 CFR 261.52(k).

Public Resources Code:

- ✓ 4291 - Reduction of Fire Hazards Around Buildings
- ✓ 4292 - Powerline Hazard Reduction
- ✓ 4293 - Powerline Clearance Required
- ✓ 4296.5 - Railroad Rights-of-way Clearance
- ✓ 4373 - Minimum Requirements for Rubbish Dumps (under permit)
- ✓ 4374 - Minimum Requirements for Rubbish Dumps
- ✓ 4423 - Written Permit Required for Burning
- ✓ 4427 - Clearance and Tools Required
- ✓ 4428 - Firefighting Tools Required on Industrial Operations
- ✓ 4429 - Industrial Camp Tool Cache
- ✓ 4430 - Steam-operated Engine Equipment Requirements
- ✓ 4431 - Gasoline Power Saw - Clearance and Equipment Required
- ✓ 4438 - Forest Product Waste Disposal (enclosed)
- ✓ 4439 - Forest Product Waste Disposal (open)
- ✓ 4440 - Forest Product Waste Storage
- ✓ 4446 - Incinerator Standards

Pursuant to 36 CFR 261.50(e), each of the following are exempt from this Order:

- a. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
- b. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

This order supersedes Order 83-2, issued August 16, 1983. These Prohibitions are in addition to the General Publications in 36 CFR Part 261. This Order may be made more restrictive by temporary orders issued by the Regional Forester or a Forest Supervisor during periods of fire danger.

Executed in San Francisco, California this 24<sup>th</sup> day of July 1991.

/s/ Laurence Bembry  
for Ronald E. Stewart  
Regional Forester  
Pacific Southwest Region

Violation of these prohibitions is punishable by a fine of not more than \$5,000.00 for an individual, or \$10,000.00 for an organization, or imprisonment for not more than six months or both. See Title 18, U.S. Code Section 3571.