

## **Draft**

**Issue:**

**Date: 08/06/18**

### **DECISION PAPER Temporary Emergency Fire Ban Rule**

Extreme wildfire danger conditions continue in the region with a real concern expressed by members regarding warming fires' potential to cause a wildfire in these conditions.

#### **Background:**

Members-at-large and management have voiced their concern about the extreme wildfire danger conditions we are experiencing relative to homeowner warming fires' and association owned warming fire pits, including the Campground, potential to cause a wildfire during these conditions. Many are recommending a temporary ban on warming fires, at a minimum as a wildfire prevention measure.

The Covenants Committee has not had the opportunity to meet to discuss this topic, but many members support the general initiative of a temporary ban of wood burning warming fires.

Under the powers and authority of the Association provided under the Covenants and Restrictions,  
Article II, Section 3

(a)...The Association and its Board of Directors shall have the power to do any and all lawful things which may be authorized, required or permitted to be done under and by virtue of the Governing Documents, and to do and perform any and all acts which may be necessary or proper for, or incidental to, the exercise of any of the express powers of the Association for the peace, health, comfort, safety or general welfare of the Owners. The specific powers of the Association and the limitations thereon shall be as set forth in Article IX of the Bylaws.

Article III, Section 7

(b) Adoption and Amendment of Rules. Association Rules may be adopted or amended from time to time by majority vote of the Board in accordance with this subparagraph (b). Except in the case of: (i) rules or regulations adopted to respond to an emergency which threatens the health or safety of the residents or immediate damage to or destruction of any Common Area...

The Covenants Fire Safety Rule states,  
...No campfires, bonfires, or fireworks of any kind are allowed on private lots, common areas, or other association-owned properties at any time. Commercially manufactured gas

and charcoal barbeques, smokers, and commercially manufactured fire burning devices, such as outdoor fireplaces and chimineas, equipped with screening and/or spark arrestors, with a maximum screen opening of 1/8th inch, to prevent the escape of sparks and coals, and operated in compliance with the Town of Truckee and the Truckee Fire District's safety and building codes, and according to the manufacturers instructions, on private property lots only, will be allowed...

### **Recommendations:**

Acting under the authority provided in the Covenants and Restrictions to enact emergency rules for the safety and health of the members management requests the Board of Directors consider approving a temporary ban of all outdoor wood fires (regardless of whether it's in a commercially manufactured fire burning device). The committee is requesting the ban language be applicable to all TDA properties and amenities, including the campground.

Violation of the burn ban is enforceable under the current fine schedule (Fire safety rule violations start at \$1,000 and go up to \$5,000 per incident).

### **Proposed Emergency Rules:**

#### Outdoor Wood Fires & Outdoor Grills

- Immediate ban on ALL outdoor wood fires, until further notice
- Effective immediately, until further notice, outdoor grilling is restricted to gas grills only with 15 feet vertical clearance and horizontal clearance to defensible space standards.
- 1<sup>st</sup> violation wood fire in a commercially manufactured burning device \$2000 fine to the property owner(s) on title
- 1<sup>st</sup> violation wood fire in a non-commercially manufactured burning device, such as a fire ring, camp fire, any fire that is in contact with the ground \$2500 fine to the property owner(s) on title
- 2<sup>nd</sup> offense in a calendar year (while burn ban is in effect) from the 1<sup>st</sup> violation, fine doubles to \$4000-\$5000 to the property owner(s) on title plus suspension of amenity privileges for 30 days.
- 3<sup>rd</sup> and all subsequent violations, fine will be \$5000 per occurrence plus suspension of amenity privileges for 30 days.

#### Off Street Parking

Effective immediately, until further notice, NO parking on any unpaved surface shall be allowed on private property, Association property, or adjacent to private or Association property in Tahoe Donner unless the vehicle(s) are used for a commercial purpose. If a commercial vehicle is parked on an unpaved surface, the

operator shall have in his/her immediate possession: fire extinguisher(s), spaded shovel and/or firefighting hand tool(s)

- 1<sup>st</sup> violation: \$2000 fine per vehicle per day to the property owner(s) on title
- 2<sup>nd</sup> offense in a calendar year (while burn ban is in effect) from the 1<sup>st</sup> violation, fine doubles to \$4000 to the property owner(s) on title plus suspension of amenity privileges for 30 days.
- 3<sup>rd</sup> and all subsequent violations, fine will be \$5000 per occurrence plus suspension of amenity privileges for 30 days.

#### Use of gasoline powered tools

Effective immediately, until further notice, the use of gasoline powered tools such as weed trimmers, lawn mowers and other spark producing tools will NOT be allowed during Red Flag or High Fire Danger periods in Tahoe Donner. Lawn mower use will be allowed only on Low/Moderate Fire Danger periods before 10:00 A.M. and only on green lawns, not dry grass or dry weeds. Weed eaters will be allowed only if the blades are non-metallic, non-sparking during the same periods.

Use of commercial equipment for defensible space, masticating, and forestry improvements will be allowed. Equipment operators SHALL have in his/her immediate possession: fire extinguisher(s), spaded shovel and/or firefighting hand tool(s) during equipment operation. A cell phone or radio to communicate in the event of an emergency.

- 1<sup>st</sup> violation: \$2000 fine per day to the property owner(s) on title
- 2<sup>nd</sup> offense in a calendar year (while burn ban is in effect) from the 1<sup>st</sup> violation, fine doubles to \$4000 to the property owner(s) on title
- 3<sup>rd</sup> and all subsequent violations, fine will be \$5000 per occurrence

#### Enforcement & Accountability

As violations to this emergency act may constitute an immediate threat to safety, create fire hazard, and may threaten material damage to, or destruction of, the Common Area or Common Facilities, violations will be processed under the provisions of Article XIII.6. d.(ii) of the First Restated Declaration of Covenants and Restrictions whereby immediate disciplinary action may be imposed, with the right of the owner to request a hearing thereafter.

In any event that causes a fire regardless of size, you are required by law to report the incident, call 911 immediately. You as a home owner or contractor are liable for any damage that is caused by negligence, whether an act or omission. Fire damage

can be severe and can drastically reduce the value and beauty of Tahoe Donner Association.