



## **Temporary Emergency Fire Ban Rule**

**Effective August 9, 2018**

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 and Authority:**

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...

### **Approved Emergency Fire Ban Rules:**

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

#### Outdoor Wood Fires & Outdoor Grills

- Immediate ban on ALL outdoor wood fires/charcoal grilling, 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 minimum fine to \$5000 maximum 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 minimum fine to \$5000 maximum 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 a minimum of 30 days.
- 3<sup>rd</sup> and all subsequent violations, fine will be \$5000 per occurrence plus suspension of amenity privileges for a minimum of 30 days.

#### 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.

