



## DECISION PAPER

### Proposed Seasonal Outdoor Woodburning Fire Ban Covenants Rule and Fines

February 15, 2019

#### Issue:

Proposed new rule to enact a seasonal outdoor woodburning fire ban and fines relating to violations to be considered for 45-day member notification and comment period.

#### Background:

In August 2019 the Board of Directors enacted emergency rules to temporarily ban outdoor woodburning fires and charcoal grills for the safety and health of the members. This emergency temporary ban went through the end of the high fire danger season. The Board's enactment of emergency rules was done 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...

Following the end of emergency temporary ban, the board directed staff and the Covenants Committee to draft a proposed rule for discussion and possible enactment following a 45-day member comment period and board. The purpose of the new proposed rule would be to set in place a seasonal prohibition of outdoor wood burning fires and charcoal grilling to reduce the





risk of a wildfire and health and safety of members. The effect of the rule prohibits all private properties, and Tahoe Donner amenities from having outdoor wood burning fires including charcoal grills during the State declared fire season which typically runs from June through November.

Truckee Protection Fire District is currently working drafting a backyard recreational/outdoor fire ban ordinance that would ban the backyard type fires (except gas fires and fires in campgrounds) throughout the fire district during the State declared fire season. They are also considering drafting the ban to include charcoal grills. The ordinance would allow local and state fire agency's to enforce the rule and extinguish these fires. This proposed ordinance would be circulated for public comment and Truckee Fire Protection District board consideration sometime this spring. Note that indicate is that Truckee Fire Protection District's ban would not include campfires in campgrounds. Board direction thus far as has been for any drafting of a fire ban language to include association amenities; campground included.

The Tahoe Donner 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 manufacturer's instructions, on private property lots only, will be allowed...

Staff has drafted a new rule language under a new heading of Seasonal Outdoor Fire Ban based on previous work and member feedback on the topic in 2014, the August 2018 Emergency Fire Ban and work being completed by Truckee Fire Protection District. Draft fines relating to the violation of this proposed rule were prepared based on the Board's emergency fire ban fines schedule this last year.

*Proposed new rule language is as follows:*

**Seasonal Outdoor Woodburning Fire Ban.** *A seasonal outdoor woodburning fire ban will be in place for all outdoor wood fires and charcoal grills, including those in a commercially manufactured fire burning device, for all private properties, common area, and amenities, during the fire season, as designated by local, state or federal authorities. Fire season typically runs between June and November.*





#### Proposed Seasonal Fire Ban Violation Fines:

- 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.

Presentation and discussion of the draft rule and fines was supposed to occur with the Covenants Committee at the February 14, 2019 meeting. However, the meeting was cancelled and could not be rescheduled ahead of the February 23, 2019 board meeting. Generally speaking, the individual committee members are in support of this proposed rule as it was discussed this fall.

#### Options:

1. Approve proposed new rule and fines relating to go out for 45-day member notification as drafted.

*Proposed new rule language is as follows:*

**Seasonal Outdoor Woodburning Fire Ban.** A seasonal outdoor woodburning fire ban will be in place for all outdoor wood fires and charcoal grills, including those in a commercially manufactured fire burning device, for all private properties, common area, and amenities, during the fire season, as designated by local, state or federal authorities. Fire season typically runs between June and November.

#### Proposed Seasonal Outdoor Woodburning Fire Ban Violation Fines:

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- 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.
2. Approve proposed new rule and fines relating to go out for 45-day member notification as drafted with modification in.
  3. Do not approve going out for 45-day member notification.

### Recommendations:

Management and the Covenants Committee requests the Board of Directors consider approving Option 1: Approve proposed new rule and fines relating to go out for 45-day member notification as drafted.

*Proposed new rule language is as follows:*

***Seasonal Outdoor Woodburning Fire Ban.*** *A seasonal outdoor woodburning fire ban will be in place for all outdoor wood fires and charcoal grills, including those in a commercially manufactured fire burning device, for all private properties, common area, and amenities, during the fire season, as designated by local, state or federal authorities. Fire season typically runs between June and November.*

Proposed Seasonal Outdoor Woodburning Fire Ban Violation Fines:

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- 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.

A draft of the 45-day member notification follows.

Prepared By: Annie Rosenfeld

General Manager Approval to put on Agenda: \_\_\_\_\_ Date: \_\_\_\_\_

