

DRAFT 45 DAY NOTICE

PROPOSED NEW COVENANTS RULE: SEASONAL OUTDOOR WOODBURNING FIRE BAN

PROPOSED NEW FINES: SEASONAL OUTDOOR WOODBURNING FIRE BAN VIOLATIONS

A proposed new Covenants rule to provide the board of directors to enact a seasonal fire ban on outdoor woodburning fires including charcoal grills, smokers and other woody material burning devices and new fines relating to violations of the new rule will be considered for action by the Board of Directors. The Board of Directors is expected to take action to adopt the proposed new rule and fines, as they are presented here or with some modification, at its June 2019 meeting, currently scheduled for Friday, June 21, 2019. The board welcomes any input you may wish to offer regarding this process.

BACKGROUND

Members-at-large, board of directors and management voiced their concern about the extreme wildfire danger conditions California and the region are experiencing relative to homeowner warming fires' and association owned warming fire pits, including the Campground, potential to cause a wildfire during these conditions. Recommendations for a temporary ban on warming fires, at a minimum as a wildfire prevention measure were made last summer and continue to be common feedback.

As a result of these concerns, the Board of Directors enacted emergency rules to temporarily ban outdoor woodburning fires and charcoal grills for the safety and health of the members in August 2018, ending in December 2018. 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.

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.

Truckee Protection Fire District is considering 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 and other high fire hazard conditions. The ordinance includes the ban to include charcoal grills. The new ordinance would allow local and state fire agencies to enforce the rule and extinguish these fires. This proposed ordinance went through its first reading in February and the Truckee Fire Protection District

board consideration will occur sometime this spring. Truckee Fire Protection District's ban does not include campfires in campgrounds. Tahoe Donner board direction thus far as has been for any drafting of a fire ban language to include association amenities; campground included.

The proposed new rule language drafted is 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.

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 the members.

The effect of the rule prohibits all private properties, and Tahoe Donner amenities from having outdoor wood burning fires including charcoal grills, smokers and other woody material burning devices during declared fire season and other high hazard fire conditions.

The proposed new rule for a seasonal outdoor woodburning fire ban is as follows:

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

The proposed fines relating to violation of the Seasonal Outdoor Woodburning Fire Ban are as follows:

- 1st violation wood fire in a commercially manufactured burning device \$2000 minimum fine to \$5000 maximum fine, to the property owner(s) on title
- 1st 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
- 2nd offense in a calendar year (while burn ban is in effect) from the 1st violation, fine doubles to \$4000-\$5000 to the property owner(s) on title plus suspension of amenity privileges for a minimum of 30 days.
- 3rd and all subsequent violations, fine will be \$5000 per occurrence plus suspension of amenity privileges for a minimum of 30 days.

Key Dates:

- April 1, 2019: 45-Day Member Notification and Comment Period begins
- April 27, 2019: Board of Directors meeting; hears additional member comment, discussion item only
- May 18, 2019: Board of Directors consider taking action on proposed new rule and fines with or without some modifications.

Your comments are welcome via email: arosenfeld@tahoedonner.com, or US Mail: Tahoe Donner Association 11509 Northwoods Blvd., Truckee, CA. 96161.