



**DECISION PAPER**  
**Proposed Seasonal Outdoor Woodburning Fire Ban Covenants Rule and Fines**

June 13, 2019

**Issue:**

Proposed new rule to enact a seasonal outdoor woodburning fire ban and fines relating to violations went out for 45-day member notification and comment period prior to board consideration and approval. The board will be considering approval of proposed fees as proposed or with modifications.

**Background:**

Pursuant to Tahoe Donner Covenants and Restrictions the board may consider adoption of new rules following requisite member notification and comment period.

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...no Association Rule shall be adopted until the proposed rule or amendment thereof has been published to the Members at least 45 days prior to the date when the Board is scheduled to act on the proposal. During the 45-day comment period at least one Board or community meeting shall be held at which the proposed rule is an agenda item.





Following discussion, review and modifications to drafted rule at the March 2019 board of directors meeting, the Board of Directors approved the publication of the proposed Seasonal Outdoor Woodburning Fire Ban covenants rule and fines.

The Proposed Seasonal Outdoor Woodburning Fire Ban 45-day Notice was published in the April Tahoe Donner News and is included for reference. The notice was posted on the 45-day notice webpage on [www.tahoedonner.com](http://www.tahoedonner.com) as well. A separate memo is included which includes the submitted member comments received between April 1 and June 13, 2019.

The Board of Directors heard member comment relating to the 45-day notice at the April 27, 2019 board of directors meeting agenda item 8: Proposed New Covenants Rule- Seasonal Fire Ban 45-Day Notification.

*Proposed new rule language is as follows:*

***Seasonal Outdoor Woodburning Fire Ban.***

*Tahoe Donner properties are subject to Truckee Fire Protection District Ordinance 03-2019 which bans wood and charcoal fires, including outdoor fireplaces and barbecues, during periods designated by Truckee Fire Protection District. A violation of this ordinance shall also constitute a Tahoe Donner covenants violation.*

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

- 1<sup>st</sup> violation of the rule, a fine may be assessed of up to \$5,000 maximum fine.
- Should there be subsequent violations within a one-year period from the first offense, fines will double per violation up to maximum \$5,000 per fine assessed.
- Suspension of amenity privileges for a minimum of 30 days may be considered.

**Options:**

1. Approve proposed new rule and fines as published in the 45-day member notification.

***Seasonal Outdoor Woodburning Fire Ban.***

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  - Should there be subsequent violations within a one-year period from the first offense, fines will double per violation up to maximum \$5,000 per fine assessed.
  - Suspension of amenity privileges for a minimum of 30 days may be considered.
2. Approve proposed new rule and fines relating with modification.
  3. Do not approve proposed new rule and fines.

**Recommendations:**

Management and the Covenants Committee requests the Board of Directors consider approving Option 1: Approve proposed new rule and fines relating as published in the 45-day member notification.

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Prepared By: <u>Annie Rosenfeld</u> General Manager Approval to put on Agenda: _____ Date: _____
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