

45 DAY NOTICE

PROPOSED NEW COVENANTS RULE + FINES: SEASONAL OUTDOOR WOODBURNING FIRE BAN

A covenants rule and fine are proposed to provide the board of directors the ability to act on a violation of the Truckee Fire Protection District Nevada County Ordinance 03-2019, a seasonal fire ban on outdoor woodburning fires, including charcoal grills.

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. 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 and their potential to cause a wildfire while these dangerous conditions are present. 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 and ending in December 2018. This emergency temporary ban remained 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 the 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.

Truckee Fire Protection District adopted Nevada County Ordinance 03-2019 on March 19, 2019, which is a backyard recreational/ outdoor fire ban ordinance which will ban backyard fires (except for 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 of charcoal grills. The new ordinance allows local and state fire agencies to enforce the rule and extinguish these fires.

The proposed language for the new Tahoe Donner rule is drafted based on previous work and member feedback on the topic in 2014, the August 2018 Emergency Fire Ban and the new Truckee Fire Protection District Nevada County Ordinance 03-2019. Draft fines relating to the violation of this proposed rule were prepared based on the board's emergency fire ban fines that were scheduled 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 to promote the 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 hazardous fire conditions.

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

- 1st 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.

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.