

**BOARD OF SUPERVISORS  
COUNTY OF SIERRA  
STATE OF CALIFORNIA**

**ORDINANCE NO. 1130**

**AN ORDINANCE OF THE COUNTY OF SIERRA  
IMPOSING SEASONAL FIRE RESTRICTIONS  
AND AMENDING SECTION 8.12.50 OF THE SIERRA COUNTY CODE**

**ORDINANCE SECTION ONE:**

WHEREAS, the Board of Supervisors of the County of Sierra does hereby find that conditions of extreme peril to the safety of persons, property and public infrastructure have arisen with the communities of the County of Sierra caused by the ongoing threat of wildfire in the region and in California; and,

WHEREAS, there exists unprecedented tree mortality due to the severe and continuing drought conditions being experienced in Sierra County and this condition is creating a heightened sense of risk and peril due to the loading of biomass throughout the forested lands of the County; and,

WHEREAS, the County of Sierra is composed primarily of a patchwork of Federal and State public lands interspersed with private lands largely designated by the California Department of Forestry and Fire Protection as “moderate” to “very high” fire hazard severity zones. Private properties in the County of Sierra are generally surrounded by heavily forested federal public lands, comprised of three National Forests managed by the U.S. Forest Services. Federal public lands make up approximately 70% of all lands within the County of Sierra, and activities on private lands and locally-managed public lands have an effect on the surrounding federal and State forests and grasslands, as well as vice-versa; and,

WHEREAS, the management of lands, particularly regarding fire protection and fuel reduction, on National Forest system lands by the United States Department of Agriculture-Forest Service is wholly inadequate; is significantly under-funded; and as a result, has placed Sierra County and its rural communities at significant peril and at great risk in the event that catastrophic wildfires occur in the County and region thereby destroying resources, private property, businesses, and the environment; and,

WHEREAS, the insurance losses from catastrophic wildfires, the loss of valuable resources, the damage and/or loss of private property, the long-term devastation caused to local economies and the livelihood of local residents, and the significant expenditure of public funding during fire suppression as well as infrastructure and resource restoration demands an effective response and cooperative strategy among all levels of government to fund and implement an effective fire protection plan which includes planning, landscape-based fuel treatments, fuel reduction, fire prevention, and fire suppression-including pre-staged resources and initial attack and emergency response; and,

WHEREAS, drought conditions and human negligence in using fire during such conditions are contributors to potentially catastrophic wildfires; and,

WHEREAS, Sierra County is particularly susceptible to devastating wildfires due to the prevailing weather conditions and topography within the County; and,

WHEREAS, in light of this extreme fire danger facing both the State as a whole, and Sierra County specifically, the Sierra County Board of Supervisors finds it necessary to enact restrictions on private lands within the unincorporated area of Sierra County and public lands within the unincorporated area of Sierra County which are not owned and/or controlled by State or federal governmental agencies in order to further reduce the likelihood of human caused fires within Sierra County; and,

WHEREAS, the Sierra County Board of Supervisors hereby finds that this action is exempt under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, CEQA Guidelines, Sections 15060(c)(2-3); 15601(b)(3); and 15301 (Class 1 Categorical Exemption).

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS AS FOLLOWS:

**ORDINANCE SECTION TWO:**

Sierra County Code, Title 8 *Health and Sanitation*, Chapter 12 *Fire Protection*, Section 050 is repealed in its entirety and is amended to read as follows:

**8.12.050 Seasonal Fire Restrictions.**

- A. *Purpose and Intent.* The purpose and intent of this section is to create greater consistency between Federal and local policies and timing of seasonal fire restrictions by relying on the scientific and technical expertise and greater forecasting resources of the U.S. Forest Service, while reserving powers to the local Board of Supervisors to determine when such restrictions should be lifted for its private citizens and further clarifying which specific uses and activities should be exempt on private land and those public lands not owned and/or controlled by State or federal government agencies.
  
- B. *Prohibitions.* Building, maintaining, attending, or using outdoor fires, including campfires, bonfires, pit fires, tiki torches, portable stoves, charcoal/wood-fueled barbeques or any other open flame fire is hereby prohibited on all private lands within the unincorporated area of Sierra County and public lands within the unincorporated area of Sierra County which are not owned and/or controlled by a State or federal governmental agencies whenever the U.S. Forest Service agency with the greatest presence in Sierra County enacts a “Stage II” fire restriction order or when open flames are restricted in hosted campgrounds on Forest Service land during conditions of extreme fire hazard. This prohibition shall stay in effect until lifted by the U.S. Forest Service, or unless rescinded by the Board of Supervisors.

- C. *Exemptions.* The open flame prohibition contained herein shall not extend to the following operations (exempt properties and uses):
1. *Commercial Grade Equipment.*
    - a. Commercial/professional barbeque or smoker equipment set up and maintained within an area cleared of vegetation or other ignition sources for a minimum of 30 feet surrounding the equipment and continually monitored during operation. A fire extinguisher shall be readily accessible at all times during operation of such commercial/professional equipment. All barbeque or smoker equipment shall be fully extinguished at the conclusion of the event, and prior to transporting the equipment.
    - b. Commercial/personally operated propane heating devices known as patio heaters, umbrella heaters, and heat strip outdoor heating systems and fire rings, excluding torpedo heaters, if properly maintained and placed on a hard non-combustible surface and in an area free of combustible materials surrounding the perimeter of the heating device and clear of overhead combustible materials. All such devices shall be continually monitored during operation.
  2. *Personal Devices.* Personal propane barbeques or smokers that are placed on a hard non-combustible surface and in an area free of combustible materials surrounding the perimeter of the cooking device and clear of overhead combustible materials are allowed. Personal barbeque or smokers that are fueled by compressed wood chips and have no open flame and are placed on a hard non-combustible surface and in an area free of combustible materials surrounding the perimeter of the cooking device and clear of overhead combustible materials are allowed.
- D. *Enforcement.* Violation of this section or any subsection thereof may be prosecuted as a misdemeanor punishable by a fine of \$1,000.00 and/or imprisonment up to six (6) months in County jail, or both, or an infraction punishable by a fine of \$500.00.

**ORDINANCE SECTION THREE:**


This ordinance shall take effect thirty (30) days after its final passage in accordance with California law. Before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in *The Mountain Messenger*, a newspaper of general circulation published in the County of Sierra, State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 18<sup>th</sup> day of June, 2024, and **PASSED AND ADOPTED** by the Board of Supervisors of the County of Sierra, State of California, on

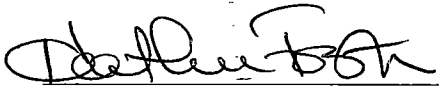
the 2<sup>nd</sup> day of July, 2024 by the following roll call vote:

**AYES:** Supervisors Adams, Heuer, LeBlanc, Dryden, and Roen  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None


COUNTY OF SIERRA

  
\_\_\_\_\_  
PAUL ROEN  
Chair, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
HEATHER FOSTER  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RHETA VANDER PLOEG  
County Counsel