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BOARD OF SUPERVISORS' MEETING
October 8, 2024

Ordinance to add Chapter 9.17 (Regulations for Outdoor Burning) to the Lassen County Code.

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TO: Board of Supervisors
Agenda Date: October 8, 2024

FROM: Silas Rojas, Emergency Services Chief

SUBJECT: Consider an ordinance to add Chapter 9.17 (Regulations for Outdoor Burning) to the Lassen County Code. Said ordinance would authorize the Lassen County Fire Warden to require burn permits and suspend burn permits within the unincorporated areas of Lassen County designated as 'Local Responsibility Area'.

ACTION REQUESTED:

1. Receive report; and
2. Introduce and waive the first reading;
3. Provide direction to staff.

Summary:

Currently in Lassen County there are various responsibility areas with regards to fire protection jurisdiction and authorities. Examples include Federal Responsibility Area (FRA), State Responsibility Area (SRA) and Local Responsibility Area (LRA). Areas classified LRA in Lassen County generally fall in two categories. Protected LRA and Unprotected LRA. Protected LRA are areas that fall within an organized fire protection district while unprotected LRA falls outside of a fire protection district and has no organization with fire protection responsibilities.

Across all these jurisdictional areas the outdoor burning regulations are inconsistent, and, in some instances, no regulations exist at all. This inconsistency causes landowners to be frustrated and the enforcement of regulations difficult.

Regardless, in an effort to make the requirements for outdoor burning uniform across all areas of Lassen County designated LRA, an ordinance is needed establishing the authority of the Lassen County Fire Warden to require and suspend burn permits. Furthermore, to ensure said ordinance is enforceable a penalty section has been included.

Attached is a regulation for outdoor burning chapter, proposed to be added to the Lassen County Code as Chapter 9.17. The proposed ordinance has a number of findings for the Board to consider (please see Section Two of the ordinance).

ORDINANCE NO. _____

Ordinance adding Chapter 9.17 (Regulations for Outdoor Burning) to the Lassen County Code.

The following ordinance, consisting of four sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the _____ day of _____ 2024, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

CHAIRMAN OF THE BOARD OF SUPERVISORS
COUNTY OF LASSEN, STATE OF CALIFORNIA

ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

By: _____

MICHELE YDERRAGA, Deputy Clerk of the Board

I, MICHELE YDERRAGA, Deputy Clerk of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by said Board of Supervisors, at a regular meeting thereof held on the _____ day of _____, 20____.

Deputy Clerk of the County of Lassen Board of Supervisors

THE BOARD OF SUPERVISORS OF THE COUNTY OF LASSEN

ORDAINS AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: The Board of Supervisors hereby makes the following findings in support of adoption of this ordinance:

1. Current inconsistent regulations for outdoor burning within the unincorporated areas of Lassen County classified pursuant to Section 4125 of the Public Resource Code as local responsibility area are not a benefit to the community.
2. The lack of regulations for outdoor burning makes enforcement difficult.
3. Regulations for outdoor burning are widely employed by local agencies, including County Governments and special districts.
4. The Lassen County Fire Warden has the authority to require burn permits and suspend burn permits when, in the judgment of the County Fire Warden, the menace of destruction by fire to life, improved property, or natural resources is, or is forecast to become, extreme due to critical fire weather, fire suppression forces being heavily committed to control fires already burning, acute dryness of the vegetation, or other factors that may cause the rapid spread of fire.
5. It is the desire of the Board of Supervisors to require uniform regulations for outdoor burning and, the punishment for violation of the regulations for outdoor burning shall be an infraction.
6. This ordinance has been reviewed by Lassen County Counsel and has been found to meet all applicable requirements of California State Law and Lassen County Code and policy.
7. The Board of Supervisors has considered all information in the public record, including the staff report packet.
8. This ordinance is not subject to the California Environmental Quality Act (CEQA) in accordance with CEQA guidelines sections 15307 (Actions of Regulatory Agencies for the Protection of Natural Resources) and section 15308 (Actions by Regulatory Agencies for the Protection of the Environment).

Ordinance Number: _____

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SECTION THREE: Chapter 9.17 (Regulations for Outdoor Burning) is hereby added to the Lassen County Code to read as follows.

Chapter 9.17 Regulations for Outdoor Burning

9.17.010 Purpose

This chapter is enacted to ensure consistent regulations for outdoor burning in all unincorporated areas of Lassen County classified pursuant to Section 4125 of the Public Resource Code as local responsibility area.

9.17.020 Authority

Burning under permit by a person on public or private lands, except within incorporated cities, may be suspended, restricted, or otherwise prohibited by proclamation. The Lassen County Fire Warden may issue a proclamation, which shall be applicable within their respective jurisdictions:

The County Fire Warden, except within incorporated cities, may suspend, restrict, or otherwise prohibit by proclamation outdoor burning when, in the judgment of the issuing public official, the menace of destruction by fire to life, improved property, or natural resources is, or is forecast to become, extreme due to critical fire weather, fire suppression forces being heavily committed to control fires already burning, acute dryness of the vegetation, or other factors that may cause the rapid spread of fire. A proclamation is effective on issuance or at a time specified therein and shall remain in effect until a proclamation removing the suspension, restriction, or prohibition is issued. The proclamation may be effective for a single day or longer. The proclamation shall declare the conditions that necessitate its issuance, designate the geographic area to which it applies, require that all or specified burning under permit be suspended, restricted, or prohibited until the conditions necessitating the proclamation abate, and identify the public official issuing the proclamation. The proclamation may be in the form of a verbal or audio recorded telephone message, a press release, or a posted order.

9.17.030 Regulations for Outdoor Burning:

- (a) When permits are required, no person shall, within that portion of the county classified pursuant to Section 4125 of the Public Resources Code as local responsibility area, burn, or cause to burn any waste, trash, dry grass or other inflammable material out-of-doors unless a permit has first been issued therefor by the County Fire Warden or his duly authorized agent, which may include the California Department of Forestry and Fire Protection. Any violation of the terms of the permit shall make the permit null and void.

Ordinance Number: _____

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- (b) When permits are suspended, no person shall, within that portion of the county classified pursuant to Section 4125 of the Public Resource Code as local responsibility area, burn, or cause to burned, any waste, trash, dry grass or other inflammable material out-of-doors.

9.17.040 Penalty

Violation of this ordinance constitutes an infraction. Nothing in this ordinance is intended to supplant or supersede local, state or federal regulations related to illegal or unauthorized burning.

Pursuant to Government Code § 25132 contained herein:

- (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.
- (b) Every violation that is an infraction is punishable by the following:
 - (1) A fine not exceeding one hundred dollars (\$100) for a first violation
 - (2) A fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year of the first violation
 - (3) A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year of the first violation.

Memo

To: Lassen County Board of Supervisors

From: Ryan Erwin

Date: 9/23/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

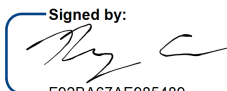
The resolution would empower the Fire Warden to issue burn permits and temporarily suspend outdoor burning when conditions are deemed unsafe. This proactive measure is essential, especially during periods of elevated fire risk, to ensure the safety of our community and the preservation of our natural resources.

The cooperation of the Lassen County Fire Chiefs is instrumental in implementing these measures effectively. Their support will help facilitate clear communication with the public regarding when burn permits are required and when outdoor burning may be suspended.

We believe that adopting this resolution and ordinance will significantly contribute to our ongoing efforts to mitigate fire hazards and safeguard our county.

Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

Signed by:

F92BA67AE985489...
Chief Milford Fire

Memo

To: Lassen County Board of Supervisors

From: Sandy Raffelson, GM

Date: 9/23/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

The resolution would empower the Fire Warden to issue burn permits and temporarily suspend outdoor burning when conditions are deemed unsafe. This proactive measure is essential, especially during periods of elevated fire risk, to ensure the safety of our community and the preservation of our natural resources.

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We believe that adopting this resolution and ordinance will significantly contribute to our ongoing efforts to mitigate fire hazards and safeguard our county.

Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

Signed by:

Sandy Raffelson, GM

A441C426797D4C1...
Herlong HPUD/HVFD General Manager

Memo

To: Lassen County Board of Supervisors

From: Dustin Leef

Date: 9/25/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

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Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

DocuSigned by:

499526B6B4864C3...
Fire Chief

Memo

To: Lassen County Board of Supervisors

From: John Loiler

Date: 9/25/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

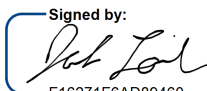
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We believe that adopting this resolution and ordinance will significantly contribute to our ongoing efforts to mitigate fire hazards and safeguard our county.

Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

Signed by:

F16271F6AD89460...
Chief John Loiler

Memo

To: Lassen County Board of Supervisors

From: Bob Hoffman

Date: 9/25/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

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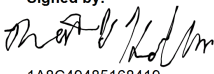
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Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

Signed by:

1A8C49485168419...
Bob Hoffman

Memo

To: Lassen County Board of Supervisors

From: Ross Kassebaum

Date: 9/26/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

The resolution would empower the Fire Warden to issue burn permits and temporarily suspend outdoor burning when conditions are deemed unsafe. This proactive measure is essential, especially during periods of elevated fire risk, to ensure the safety of our community and the preservation of our natural resources.

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Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

DocuSigned by:

6E425E62B40E4DE...
Fire Chief

Memo

To: Lassen County Board of Supervisors

From: Forest Duerksen

Date: 10/1/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

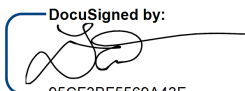
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Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

DocuSigned by:

95CF3BF5569A43F...
Fire Chief

Memo

To: Lassen County Board of Supervisors

From: Shaun White

Date: 10/1/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

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Thank you for your attention to this important matter. I look forward to your favorable consideration.

Sincerely,

Signed by:

6201B0EB637240A...
Fire Chief

Memo

To: Lassen County Board of Supervisors

From: Bruce Skehan

Date: 9/23/2024

Subject: Request for Adoption of Fire Warden Resolution and Support for Outdoor Burning Ordinance

Dear Members of the Board,

I am writing to request your consideration and passage of the proposed Fire Warden Resolution, along with your support for the associated outdoor burning ordinance.

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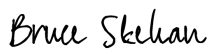
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Sincerely,

Signed by:


AF0B7388C81942B...
fire chief