

**NORTHSTAR COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 4-00**

In the matter of: **WILD LAND FIRE PREVENTION**

WHEREAS, the Northstar Community Services District ("District") is a California Special District organized and operating under the authority of Government Code Section 61000 et seq.; and

WHEREAS, pursuant to Government Code Section 61623.4 the District may exercise any of the powers of a fire protection district pursuant to the Fire Protection District Law of 1987 (Health and Safety Code Section 13800 et seq.); and

WHEREAS, pursuant to Health and Safety Code Section 13869 a district may adopt a fire prevention code; and

WHEREAS, pursuant to Health and Safety Code Section 13871 any citation issued by a district for violation of a fire prevention code or a district ordinance may be processed pursuant to subdivision (d) of Section 17 of the Penal Code, every person who fails or refuses to correct or eliminate a fire or life hazard after written order of a district board or its authorized representative is guilty of a misdemeanor and every misdemeanor is punishable pursuant to Section 19 of the Penal Code;

WHEREAS, the lands within the District are state responsibility area lands; and

WHEREAS, pursuant to Public Resources Code Section 4291, while the state shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands, which regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas, and shall include fuel breaks and greenbelts, these state regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state; and

WHEREAS, the Board of Directors of the District do hereby specifically and expressly find that regulations contained herein are reasonably necessary because of local climatic, geological and topographical conditions unique to the Northstar area and further required to reduce the possibility of a fire originating within the District from spreading to the adjacent Lake Tahoe Basin, an area of national importance and significance.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NORTHSTAR COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

Section 1: Fires pose a serious threat to the preservation of the public peace, health and safety, and are extremely costly. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring fires under control. Preventive measures are therefore needed to insure the preservation of the public peace, health, or safety.

The State of California has designated the area within the boundaries of the Northstar Community Services District as a very high fire severity zone. The purpose of this Ordinance is to adopt regulations equaling or exceeding minimum regulations adopted by the State of California pursuant to authority of the State of California. The Northstar Community Services District hereby specifically and expressly finds that regulations contained herein are reasonably necessary because of local climatic, geological and topographical conditions unique to the Northstar area and further required to reduce the possibility of a fire originating within the District from spreading to the adjacent Lake Tahoe Basin, an area of national importance and significance. The local official designated by Section 13146 of the California Health and Safety Code shall enforce the requirements of this Ordinance.

Section 2: The purpose of this ordinance is to:

- a. Classify lands within the Northstar Community Services District in accordance with whether a very high fire hazard is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.
- b. Set maintenance standards.
- c. Define penalties.

Section 3: For purposes of this Ordinance, lands within Northstar Community Services District are classified as:

- a. Residential and Commercial Parcels
- b. Defensible Forest
- c. Fuel Reduction Zones

Section 4: Residential and Commercial Parcels

Owners of Residential and Improved Commercial Parcels or unimproved parcels less than 1 acre shall:

- a. Maintain on the entire parcel, to the property line, a firebreak made by removing and clearing away all flammable vegetation or other combustible growth. In addition, a combination of pruning or removing of trees and brush to reduce ladder fuel effects. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover, if they do not form a means of rapidly transmitting, fire from the native growth to any building or structure. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
- b. Remove that portion of any tree, which extends within 10 feet of the outlet of any chimney or stovepipe.

- c. Maintain any tree adjacent to or overhanging any building free of dead or dying wood.
- d. Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.
- e. Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.
- f. Remove all standing dead or dying trees within the property if the trees pose a fire hazard. For the purpose of this Ordinance, "dead or dying trees" are those that are identified as such by a registered forester or a designated employee of either the California Department of Forestry and Fire Protection or the Northstar Fire Department.
- g. For all trees greater than 10 inches in diameter at breast height, limb all tree branches to 8 feet from the ground to the closest branch part.
- h. Residential and Commercial Parcels shall include all improved or unimproved lots zoned for development and common areas associated with condominium or townhouse subdivisions. Improved Commercial parcels shall maintain the above described to a minimum of 100 feet from the structure(s). Residential parcels greater than 1 acre shall be maintained to a minimum of 300 feet from any structure(s).

Section 5: Defensible Forest

Defensible Forest shall include all green belt areas imbedded within residential or commercial development and not strategically located as to be a high fire risk.

Owners of Defensible Forest shall:

- a. Any vegetation removal shall be in compliance with all applicable State and Federal laws.
- b. California Forest Practice Rules will be adhered to.
- c. Remove poor formed, poor crowned, and poor needle retention trees 10" in diameter or smaller at breast height to improve spacing and reduce fire ladder fuels. Mosaic brush fields to create islands and to eliminate continuous fields.
- d. Thinning of trees for forest health to reduce competition for water, nutrients, and light.
- e. Any logging operation may require a Timber Harvest Plan to be filed with The California Department of Forestry and Fire Protection by a Registered Professional Forester.
- f. All existing and created slash shall be chipped or hauled away.
- g. Defensible Forest lands must be in compliance no later than December 31, 2003.

Section 6: Fuel Reduction Zones

Fuel Reduction Zones shall include all lands within 300 feet of Residential or Commercial Parcels, whether developed or not, which lands are not also included within the definitions of Residential or Commercial Parcels or Defensible Forest.

Owners of Fuel Reduction Zones shall:

- a. Stocking: The stand shall be thinned to consist of larger diameter trees with a minimum of 50 sq. ft. of basal area per acre to a maximum of 75 sq. ft. per acre remaining. Large diameter trees, those greater than 10" in diameter, shall have all branches up to 8 feet high removed.

b. Understory: Smaller diameter trees, those 10" or less in diameter, shall be thinned so as to be below the level that provides a fire ladder into the larger diameter trees. Brush should be removed by chipping or hauling away.

c. Logging slash over the entire zone shall be piled or chipped and scattered, to reduce fuel load on the lots.

d. For those lands adjacent to parcels developed prior to October 1, 2000, Fuel Reduction Zones must be in compliance no later than December 31, 2003. For development(s) after October 1, 2000, compliance must occur prior to the start of new construction of structure(s).

Section 7: Any and all prescription, open burning of pine needles, slash, brush or other debris shall require a valid permit from the appropriate agency(s).

Section 8: This Ordinance shall not apply to any land within the Northstar Community Services District boundaries that are habitats for endangered or threatened species, or have archeological sites, or otherwise are so declared by the Northstar Community Services District, or by state or federal law.

Section 9: Violations of this Ordinance shall be punishable as provided in Section 13871 of the California Health and Safety Code.

Section 10: The finding by a court of competent jurisdiction of the invalidity of any Section, sub-section, paragraph, clause, or word of this Ordinance shall not invalidate any other such Section, sub-section, paragraph, clause, or word of this Ordinance.

Section 11: This Ordinance shall take effect and be in force 30 days from the date of its passage. The Clerk of the District is directed to post or publish this Ordinance as required by law.

PASSED AND ADOPTED at a duly held meeting of the Board of Directors of the Northstar Community Services District on August 16, 2000 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Evans
Chairperson, Board of Directors

ATTEST:

Julie Bartolini
Clerk of the Board