

ORDINANCE NO. 20-03

ORDINANCE OF THE MORAGA-ORINDA FIRE DISTRICT OF CONTRA COSTA COUNTY, CALIFORNIA, SETTING FORTH THE REQUIREMENTS AND/OR RESTRICTIONS PERTAINING TO BANNING OPEN BURNING AND RECREATIONAL FIRES DURING HIGH FIRE SEASON AND PROVIDING FOR ENFORCEMENT OPTIONS AND PENALTIES.

The Board of Directors, as the governing body of the Moraga-Orinda Fire District, does ordain as follows:

SECTION ONE. Findings: The Moraga Orinda Fire Protection District here by finds and declares as follows:

(a) The Moraga Orinda Fire Protection District ("MOFD") is a Fire Protection District organized and existing pursuant to Health and Safety Code Sections 13800.

(b) In the Moraga Orinda Fire Protection District, wildfire threatens people, habitat, homes and structures and the area is identified as a Wildland Urban Interface Community.

(c) There is an increased threat of wildfire when open burning and recreational fires are allowed during high fire season and embers from recreational fires and open burning. Improperly extinguished recreational fires and open burning have the potential to start uncontrolled fire and threaten nearby wildland and structures.

(d) By banning open burning and recreational fires during high fire season, the threat of wildfire can be reduced.

SECTION 2. Restriction on Fires During Hazardous Fire Conditions.

(a) Open Burning on all lands within the jurisdiction of the Moraga Orinda Fire District ("MOFD"), including the local response area (LRA), is prohibited when the California Department of Forestry and Fire Protection (CalFire) issues a burn suspension in the state responsibility area (SRA). This prohibition shall be made effective 24 hours following its commencement in the SRA.

(b) Open Burning is also prohibited on all lands within the jurisdiction of the MOFD at any time the Fire Chief or his or her designee finds that atmospheric conditions or other local circumstances make such fires hazardous, including when factors, such as high winds, low fuel moistures, fire weather, the issuance of red flag warnings, or severe threat of wildland fire, present the risk of destruction by wildfire to life, wildlife, property or natural resources. The Fire Chief shall provide notice of the suspension on Open Burning by posting the suspension on the District's website and mailing notice to those residents on its mailing list. This prohibition shall be made effective 24 hours following its declaration.

(c) Any person who fails to comply with this section may be subject to a fine of \$500.00 per each day of violation.

(d) For purposes of this section, the prohibition on Open Burning applies to Open Burning, Campfires, Bonfires, Portable Outdoor Fireplaces, Ceremonial Fires and Recreational Fires, as defined in the 2019 California Fire Code. The prohibition does not apply to:

(1) UL or ASMI listed manufactured GAS (LPG or NG) outdoor flame devices, such as: Gas BBQ's or Gas Fire-pits that comply with the Fire Code or

(2) Campfires on private lands, with a MOFD issued fire permit and any additional restrictions as determined by MOFD staff.

SECTION 3. SEVERABILITY. If any section, subsection, paragraph, clause or word of the Ordinance is determined in a final ruling by a court of competent jurisdiction to be invalid or unenforceable, such finding shall not invalidate any other section, subsection, paragraph, clause or word of this Ordinance, which shall remain in effect.

SECTION 4. DATE OF EFFECT. This Ordinance shall become effective on August 15, 2020, and within fifteen (15) days of passage, shall be published once with the names of the Directors voting for and against it, in the Contra Costa Times, a newspaper of general circulation in this District. Passed and Adopted on July 15, 2020, by the following Vote:

PASSED, APPROVED and ADOPTED this 15th day of July 2020 at the regular meeting of the District Board of Directors held virtually on July 15, 2020, on a motion made by Director Jorgens seconded by Director Donner, and duly carried with the following roll call vote:


AYES: DIRECTORS DONNER, JEX, JORGENS, AND DANZIGER

NOES: NONE

ABSENT: DIRECTOR BAITX

ABSTAIN: NONE

ORDINANCE 20-03


Steven Danziger, President
Board of Directors

ATTEST:

APPROVED AS TO FORM:



Marcia Holbrook
District Secretary/District Clerk



Jonathan V. Holtzman
District Counsel