MARIPOSA COUNTY ORDINANCE NO. 550

AN ORDINANCE TO ADD CHAPTER 8.26
TO THE MARIPOSA COUNTY CODE TO MANDATE
THE CLEARING OF BRUSH UNDER PENALTY OF INFRACTION.

WHEREAS the Board of Supervisors of Mariposa County
recognizes the need for the clearing of brush away from
structures in Mariposa County as an important fire protection
measure; and

WHEREAS the provisions of state law on brush clearing es-

tablish a misdemeanor penalty; and

WHEREAS the establishment of an infraction penalty and
civil remedies to compel brush clearing in Mariposa County is
deemed necessary by the Board of Supervisors;

NOW THEREFORE the Board of Supervisors of Mariposa County,
a political subdivision of the State of California, does hereby
ordain as follows:

SECTION I: Chapter 8.26 shall be added to the Mariposa County
Code as follows:

CHAPTER 8.26

CLEARING OF BRUSH

Sections:

8.26.010 Mandatory clearing of brush.
8.26.020 Exemption by fire warden....
8.26.030 Enforcement

8.26.010 MANDATORY CLEARING OF BRUSH. Any person that
owns, leases, controls, operates or maintains any building
or structure in Mariposa County shall at all times do the
following:

(a) Maintain around and adjacent to such building
or structure a firebreak made by removing and clear-
ing away, for a distance of not less than 30 feet
on each side thereof or to the property line, whichever
is nearer, all flammable vegetation or other
combustible growth. 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.

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the County Fire Warden if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. 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.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) 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.

3.26.020 EXEMPTION BY FIRE WARDEN. Except as otherwise required by state law, the County Fire Warden, may adopt regulations exempting structures constructed entirely of nonflammable materials and which otherwise pose no fire danger to surrounding areas from the provisions of this Chapter or, any portion thereof, provided a written consent to interior and exterior inspection of any such building or structure at any time necessary to determine compliance therewith is on file with the Fire Warden.

8.26.030 ENFORCEMENT. This chapter may be enforced by any peace officer, the County Fire Warden, any state fire warden, deputy state fire warden, United States forest officer, or any person empowered to make arrests under the provisions.
of Sections 4151 and 4156 of the Public Resources Code of the State of California.

8.26.040 VIOLATION--PENALTY. Each and every separate calendar day upon which a violation of this chapter occurs shall constitute a separate violation as provided in Section 1.20.040 of this Code. The penalty for violation of any of the provisions of this chapter shall be an infraction as prescribed in Section 1.20.030 of this Code; the provisions of this chapter may also be enforced by injunction issued by the Superior Court upon suit of the County or the owner or person in possession of any real property affected by such violation; civil enforcement shall be cumulative and in no way affect the penal provisions hereof.

SECTION II: This ordinance shall take effect thirty days from the date of its passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 1st day of July, 1980, by the following vote:

AYES: Erickson, Taber, Moffitt, Clark

NOES: Dalton

ABSENT: None

ABSTAINED: None

ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTEST:

JOAN J. LYNK, Clerk of the Board by Barbara Knell, Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RICHARD K. DENHALTER, County Counsel