

**ORDINANCE NO. 1643**

**AN ORDINANCE OF THE COUNTY OF SUTTER AMENDING THE SUTTER COUNTY ORDINANCE CODE BY AMENDING CHAPTER 600, SECTION 600-120 RELATING TO FIRE PREVENTION**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SUTTER ORDAINS AS FOLLOWS:

SECTION 1: The Sutter County Ordinance Code is amended by amending Chapter 600, Section 600-120 to read, in its entirety, as follows:

**600-120 AMENDMENT OF SECTION 307**

Subsections 307.1, 307.2.1, 307.4, 307.4.2, and 307.5 of the California Fire Code are hereby amended to read as follows:

Section 307.1 General

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning or recreational fire unless conducted and approved in accordance with Sections 307.1.1 through 307.5

Section 307.2.1 Authorization

Except as provided under Health and Safety Code section 41801, prior to the commencement of any open burn or recreational fire, the person or entities proposing to burn shall have obtained written permits from a fire department when required, in the county having jurisdiction over the site and the Feather River Air Quality Management District (FRAQMD). Both the fire department and FRAQMD shall be notified and permission to burn shall be obtained from each on the day of the proposed burn. In addition, an Agricultural Burn Allocation shall be obtained from the FRAQMD prior to commencement of any agricultural burn in accordance with its regulations.

Section 307.4 Location

Approved burning appliance shall not be located within 15 feet of any building, property line or public right-of-way. Open burning shall not be conducted within 50 feet of any structure or other combustible material. Conditions which could cause the fire to spread to within 50 feet of a structure shall be eliminated prior to ignition.

Exception: Clearance from structures and other combustible material may be reduced as follows:

1. Not less than 15 feet when burning is conducted in an approved burning appliance.

2. Not less than 25 feet when the pile size is 3 feet or less in diameter and 2 feet or less in height.
3. Not less than 15 feet when conducting an agricultural field burn with a bare earth fire break of 10 feet and vegetation standing no higher than 2 feet.

#### Section 307.4.2 Recreational Fires

Recreational Fires are allowed without a permit at the Live Oak Park or on private property with an owner's consent under the following circumstances:

1. Recreational fires shall not be conducted within 25 feet of a structure or combustible material unless in an approved appliance with a clearly visible manufacturer's listing and installed per manufacturer's listing. Conditions which could cause a fire to spread within 25 feet shall be eliminated prior to ignition.
2. Fires shall be limited to three feet in diameter and two feet in height.
3. Only dry, seasoned wood may be burned. Construction scraps, green wood, shrub trimmings, leaves, and other refuse are prohibited for use as fuel.
4. Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

#### Section 307.5 Attendance

Burning material shall be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment required by Section 307.5 and familiar with the permit limitations which restrict open burning and recreational fires. The attendant shall have communication equipment such as a radio, cellular phone, or telephone immediately available and have the knowledge and ability to notify the fire department in case of an emergency. An attendant shall supervise the burning material until the fire has been extinguished, or is safe to leave.

SECTION 2: If any section, subsection, sentence, clause, portion, or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 3: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in the Appeal-Democrat, a newspaper of general circulations, printed and published in the County of Sutter, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Sutter, State of California, this 19<sup>th</sup> day of December, 2017, by the following vote:

AYES: Supervisors Sullenger, Munger, Whiteaker, and Conant

NOES: None

ABSENT: Supervisor Flores

ATTEST:  
DONNA M. JOHNSTON, CLERK

By Gina Gasparini  
Deputy

  
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JIM WHITEAKER, CHAIRMAN  
BOARD OF SUPERVISORS



**FILED**

DEC 19 2017

BOARD OF SUPERVISORS  
DONNA M. JOHNSTON  
Clerk of the Board  
By Gina Gasparini Deputy