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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 establish 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
- 8.26.040 Violation--penalty.

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 clearing 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

1 combustible growth. This subdivision does not  
2 apply to single specimens of trees, ornamental  
3 shrubbery, or similar plants which are used as  
4 ground cover, if they do not form a means of  
rapidly transmitting fire from the native growth  
to any building or structure.

5 (b) Maintain around and adjacent to any such  
6 building or structure additional fire protection  
7 or firebreak made by removing all brush, flam-  
8 mable vegetation, or combustible growth which  
9 is located from 30 feet to 100 feet from such  
10 building or structure or to the property line,  
11 whichever is nearer, as may be required by the  
12 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.

13 (c) Remove that portion of any tree which extends within  
14 10 feet of the outlet of any chimney or stovepipe.

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

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

18 (f) Provide and maintain at all times a screen  
19 over the outlet of every chimney or stovepipe  
20 that is attached to any fireplace, stove, or other  
21 device that burns any solid or liquid fuel. The  
screen shall be constructed of nonflammable mat-  
22 erial with openings of not more than one-half inch  
23 in size.

24 3.26.020 EXEMPTION BY FIRE WARDEN . Except as otherwise  
25 required by state law, the County Fire Warden, may adopt  
26 regulations exempting structures constructed entirely of non-  
flammable 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 ex-  
terior inspection of any such building or structure at any time  
necessary to determine compliance therewith is on file with the  
Fire Warden.

27 3.26.030 ENFORCEMENT. This chapter may be enforced by  
28 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

1 of Sections 4151 and 4156 of the Public Resources Code of the  
2 State of California.

3 8.26.040 VIOLATION--PENALTY. Each and every separate  
4 calendar day upon which a violation of this chapter occurs shall  
5 constitute a separate violation as provided in Section 1.20.040  
6 of this Code. The penalty for violation of any of the provisions  
7 of this chapter shall be an infraction as prescribed in Section  
8 1.20.030 of this Code; the provisions of this chapter may also  
9 be enforced by injunction issued by the Superior Court upon  
10 suit of the County or the owner or person in possession of any  
11 real property affected by such violation; civil enforcement  
12 shall be cumulative and in no way affect the penal provisions  
13 hereof.

14 SECTION II: This ordinance shall take effect thirty days from  
15 the date of its passage pursuant to Government Code Section  
16 25123.

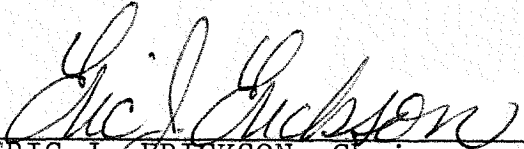
17 PASSED AND ADOPTED by the Mariposa County Board of  
18 Supervisors this 1st day of July, 1980, by the following vote:

19 AYES: Erickson, Taber, Moffitt, Clark

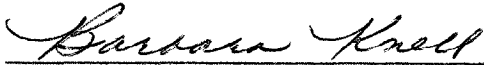
20 NOES: Dalton

21 ABSENT: None

22 ABSTAINED: None

23   
24 ERIC J. ERICKSON, Chairman  
25 Board of Supervisors

26 ATTEST:

27   
28 JOAN J. LYNK, Clerk of the Board by  
Barbara Knell, Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
RICHARD K. DENHALTER, County Counsel