



**To:** Board of Directors  
**From:** Edward Miller, President of the Board  
**Date:** September 22, 2020  
**Subject:** Fire Ordinance Violations - Frequently Asked Questions

**Background:**

I have been asked by countless residents what can be done about penalties for illegal fires, and if the Fire District has any procedure for short term rentals (STRs) with repeat offenses.

- Do they get reported to County Code Enforcement for "points" against their permit?
- Are they checked for an STR permit?

The other most frequently asked question regards retail firewood sales.

*(Division Chief/Fire Marshal McNamara has provided answers to these questions on the following pages.)*

**Recommendation:**

Discussion Only.



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## What can be done about penalties for illegal fires?

MBFPD Ordinance #19-2 does allow citing, however, both NTFPD and MBFPD have never cited. Having CALFIRE, USFS, or EDSO cite will be more supported by the District Attorney. A citation process would be most effective for repeat offenders of non-compliance. Currently, there have been no repeat offenders. Below is the MBFPD Code section that allows citations.

### Section 110 Violations

- 110.4 Violation Penalties shall be amended as follows: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor or infraction, at the discretion of the prosecuting attorney or agency, punishable by a fine not exceeding \$100.00 for a first violation; 2. A fine not exceeding \$500.00 for a second violation of the same provision within one year; 3. A fine not exceeding \$1000.00 for each additional violation of the same provision within one year, or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Health and Safety Code Section 13145 and 17995).
- 110.4.2 Citations shall be added as follows: The Chief, or his/her duly authorized representative, may issue citations for infractions or misdemeanor violations of this code pursuant to Section 13871 of the Health and Safety Code of the State of California and Chapter 5c (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code of the State of California.

What can be done for on illegal fires? Continue what is currently being doing. The community is calling 9-1-1 and crews are responding to these fires. The key is education before enforcement. Crews are educating and helping people that do not know about our code.

## Does the Fire District have any procedure for short term rentals (STRs) with repeat offenses?

With regard to non-compliant fires, the El Dorado County VHR Ordinance does allow fire pits unless prohibited by State or Local Regulations. If there is a violation related to fires, or any issue, the county has a process for the public to file a complaint.

Following is the Enforcement process for VHRs:



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There are several avenues for reporting complaints. If it is safe to do so, the County recommends making contact with the Local Contact (a requirement of the permit) for the Vacation Home Rental.

- Important: **Do not put yourself in harm's way when making a complaint. Call 9-1-1 if you feel your safety is in jeopardy or there is an emergency.**
- For noise issues, VHRs exceeding occupancy limits, or other issues with VHR renters, it is best to contact the Certified Local Contact listed for the Vacation Home Rental. To find the property manager's phone number, you can:
  - Look at the exterior sign, which is required to be visible from the Road, and which must include the phone number of the Local Contact.
  - Look up the contact information online, using the address. (Coming soon!)
- If you suspect the vacation home is being rented and find that there is no permit on file: Call the Sheriff's Department non-emergency number at (530) 621-6600 to report the problem. For any non-emergency issues the County Sheriff will respond in person to any complaints relating to noise, trash, and/or the number of cars or people exceeds the permitted maximum. They will issue a notice of violation and provide a report to Code Enforcement summarizing their findings. Fines for Violations are payable to Code Enforcement. The Vacation Home Rental Ordinance lists the fines and outcomes based on the number of violations for a property.

If you still have questions, contact [VHRpermits@edcgov.us](mailto:VHRpermits@edcgov.us).

The VHR program is an El Dorado County process. Without the County VHR Ordinance ([link here](#)) the district would not be allowed to inspect private residences. With that said the district is allowed to inspect these residences with very specific items to inspect that are addressed in the El Dorado County Ordinance. The items inspected are:

Fire and Life Safety Requirements. The following conditions shall be posted within the VHR and shall be in place prior to issuance of a VHR permit, subject to inspection:

- a. Residential street address clearly visible.
- b. Functional smoke alarms.
- c. Functional carbon monoxide alarms.
- d. Landline phone service installed if cell phone service is inadequate.
- e. NFPA 13D Residential sprinkler system functional, if installed.
- f. Portable fire extinguisher.
- g. Windows in bedrooms are operable and do not have bars or other obstructions that prevent egress.
- h. Extension cords are not used as permanent wiring for lights or appliances.
- i. Outdoor fire areas and fire pits, when not prohibited by state or local fire regulations, shall be limited to three feet in diameter, located on a non-combustible surface, covered with fire screens, and located no closer than within 25 feet of a structure or combustible



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material. Use of fire areas shall require a campfire permit issued by CALFIRE.

**Do they get reported to County Code Enforcement for "points" against their permit?**

If there is interest in understanding the County Enforcement and Penalty process, they should be directed to the County VHR website-link [here](#) and Ordinance link [here](#).

**Are they checked for an STR permit?**

Yes, in several ways, including when staff does the VHR inspection. The County also uses several ways to find people who are providing VHRs without a permit. Engine companies are not responsible for checking for STR/VHR permits. VHRs are allowed by County Ordinance not by MBFPD. Any inquiries can be directed to the county or their complaint address [VHRpermits@edcgov.us](mailto:VHRpermits@edcgov.us)

**What can be done about retail firewood sales?**

PIO Holland is doing a great job on this working with the area business associations. Because interior fireplaces are still allowed wood being purchased could be used for that or for the forests that were open until recently.