



**ORDINANCE NO. #####**

**AN ORDINANCE ADDING CHAPTER 8. 07  
UNLAWFUL FIRES ON PRIVATE OR PUBLIC PROPERTY  
OF TITLE 8, PUBLIC HEALTH AND SAFETY  
OF THE EL DORADO COUNTY CODE**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Declaration of Intent**

The purpose of this ordinance is to prohibit the initiation, maintenance, or permission of unlawful fires on private or public property within the jurisdiction of El Dorado County.

**SECTION 2. Findings**

- The proposed ordinance will not be detrimental to the public, interest, health, safety, convenience, or welfare of the County.
- The proposed ordinance is not a project subject to the requirements of the California Environmental Quality Act (CEQA) given that (i) pursuant to State CEQA Guidelines section 15378(a), the amendments do not have a potential for a direct physical change or reasonably indirect physical change in the environment, and (ii) State Guidelines section 15061(b)(3) provides that actions are not subject to CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **SECTION 3. Add Chapter 8.07 of Title 8 of the El Dorado County Ordinance Code**

Chapter 8.07 of the El Dorado County Ordinance Code entitled “Unlawful Fires on Private or Public Property” is hereby added to the El Dorado County Ordinance Code and shall read as set forth below:.

#### **CHAPTER 8.07. – Unlawful Fires on Private or Public Property**

##### **Sec. 8.07.010. – Title.**

This Chapter shall be known and may be referred to in all proceedings as the Prohibition of Unlawful Fires on Private or Public Property Ordinance. The purpose of this chapter is to prohibit the unauthorized ignition of fires on private or public property which poses a significant risk to property, public safety, and the environment; and whereas, it is essential to protect the rights of property owners and ensure the safety and welfare of the community.

##### **Sec. 8.07.015. – Conflict of Ordinances.**

- A. The operation of this Chapter shall in no way change or diminish the application of other ordinances in this Code dealing with like or similar matters.
- B. In any case where a provision of this, or any other, Chapter is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance or any other section of the Code, including fines, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- C. It is not intended by this Chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by this Chapter.

##### **Sec. 8.07.020. – Findings.**

- A. All parcels in the County have been identified and designated as being within either a State Responsibility Area (SRA) or Local Responsibility Area (LRA) Moderate, High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE) in accordance with the most current edition of the Fire and Resource Assessment Program (FRAP) Map. The County is located in a mountainous and/or hilly region of Northern California. The County has a diverse and complex landscape which includes mountains, forests, chapparal or grass covered wildlands which have the potential to fuel a catastrophic fire event;

- B. Catastrophic wildfire events pose a serious threat to the preservation of public peace, health and safety within any wildland urban interface and intermix communities. The proper implementation and enforcement of hazardous fuel regulations and landscaping requirements have been proven to reduce the impact from destructive wildfires through the mitigation of hazardous fuel conditions around homes and roadways;
- C. Wildfires with extreme fire behavior are occurring more often and growing larger. Eighteen (18) of the twenty (20) most destructive wildland fires in the State of California have occurred between 2002 and 2022. The County in particular has a history of destructive wildfires. These include the 2007 Angora Fire, 2014 King Fire, 2021 Caldor Fire and the 2022 Mosquito Fire. Climate change stressors, such as increased average air temperature, precipitation variability, reduced snowpack, drought, and tree mortality, will lead to an increased frequency of large wildfires that will create adverse impacts on local County communities;
- D. Of paramount importance to the Board of Supervisors and the citizens of the County is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires;
- E. During periods of drought and declared “fire seasons” the County generally has a dry, arid climate conducive to wildfires. Many of the County’s native and non-native plant species can be highly combustible during both drought and normal dry periods that have contributed to significant wildfires;
- F. The County has difficult topography, terrain, and weather conditions that exacerbate the fire danger and that can create significant challenges for firefighters attempting to suppress wildfires. Many communities and individual residential, commercial, and industrial structures in the County are located in areas that are at significant risk from wildfires due to their close proximity to steep topographical conditions that allow for rapid fire spread that can overwhelm the available firefighting resources in the County;
- G. It is the purpose of this Chapter to establish an ordinance to prevent hazardous unauthorized fires on private or public property, such fires posing a significant risk to the community given the above findings, for the protection of the lives and property of the citizens of the County;
- H. It is the County's intent to make fire safe communities, thus giving citizens better opportunities for affordable fire insurance.

**Sec. 8.07.030. – Definitions.**

For the purposes of this Chapter, the following terms shall have the meanings set forth below:

*Unlawful fire* means any flame or burning material ignited on private or public property without the express consent of the property owner or authorized representative, and without compliance with applicable state and local fire safety laws, regulations, and permit requirements.

*Recreational fire* means an outdoor fire for pleasure, cooking, warmth, or ceremonial purposes, not exceeding three (3) feet in diameter and two (2) feet in height, conducted in compliance with all applicable fire safety requirements, including the California Fire Code as locally adopted, and subject to any burn suspension or restriction in effect.

*Portable outdoor fireplace* means a portable, non-combustible container designed for outdoor fires, equipped with a spark arrestor or screen, and used in accordance with manufacturer instructions, the California Fire Code as locally adopted, and all applicable fire safety requirements, including any burn suspension or restriction in effect.

*Fire season* means the period declared by the California Department of Forestry and Fire Protection or other authority during which additional fire restrictions, burn permit requirements, or burn suspensions may apply pursuant to state law or local regulation.

*Burn suspension* means a temporary prohibition on burning issued by the California Department of Forestry and Fire Protection, a local fire authority, or the El Dorado County Air Quality Management District due to hazardous conditions, regardless of permit status, and applicable to all open burning and recreational fires unless specifically exempted.

*Designated area* means an area specifically posted or identified by the property owner or responsible agency where cooking, heating, or recreational fires are permitted, subject to compliance with fire safety requirements, burn day restrictions, and any applicable local or state fire regulations.

#### **Sec. 8.07.040. - Prohibition of Unlawful Fires**

- A. It shall be unlawful for any person to intentionally or recklessly initiate, maintain, or permit unlawful fires on private or public property within the jurisdiction of El Dorado County.
- B. This prohibition includes but is not limited to fires for recreational purposes, clearing vegetation, or any other unauthorized burning activity.

#### **Sec. 8.07.050. - Exceptions**

The following activities are exempt from this ordinance, provided they are conducted in compliance with applicable laws, regulations, and permits:

- A. Controlled burns conducted (i) by federal, state, or local government agencies for land management, ecological restoration, or fire prevention purposes, or (ii) by a private party duly authorized by a federal, state, or local government agency to conduct controlled burns for land management, ecological restoration, or fire prevention purposes.
- B. Fires used for cooking or heating in designated areas and with the express permission of the property owner or responsible authority. Such express permission may be provided by appropriate signage posted on or about the designated area by the property owner or responsible authority.
- C. Residential debris burning conducted by a property owner or lawful occupant on their own property, in strict compliance with all applicable state and local permits and rules, including any required burn permits, burn day restrictions, and any burn suspension or prohibition in effect.
- D. Campfires, charcoal fires, and portable stoves lawfully permitted by the appropriate authority, subject to posted restrictions, burn suspensions, and with the express permission of the property owner or responsible authority where required.
- E. Activities conducted in accordance with the California Fire Code, as locally adopted, relating to recreational fires and portable outdoor fireplaces, provided all permit, safety, and clearance standards are met and no burn suspension or prohibition is in effect.

**Sec. 8.07.060. – Enforcement**

The El Dorado County Sheriff's Department, in conjunction with other relevant authorities, shall be responsible for enforcing this ordinance.

**Sec. 8.07.070. - Penalties**

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished according to the general penalties described in Chapter 1.24.

**Sec. 8.07.080. - Severability**

If any provision of this ordinance is found to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

**Sec. 8.07.090. - Effective Date**

Pursuant to California Government Code section 25123, this Ordinance shall become effective thirty (30) days from the date of final passage by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote of said Board:

ATTEST

KIM DAWSON

Clerk of the Board of Supervisors

\_\_\_\_\_

Deputy Clerk

Ayes:

Noes:

Absent:

\_\_\_\_\_

Brooke Laine, Chair, Board of Supervisors

**APPROVED AS TO FORM  
DAVID LIVINGSTON  
COUNTY COUNSEL**

By: \_\_\_\_\_

Stephen Mansell  
Sr. Deputy County Counsel