

ORDINANCE NO. 828

A NEW ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA TO BE PLACED IN TITLE 8, CHAPTER 8.32, SECTION 8.32.010 OF THE SONORA MUNICIPAL CODE CONCERNING:

“Unlawful Open Burning”

The City Council of the City of Sonora, California, does hereby ordain as follows:

Section 8.32.010 is hereby adopted to read as follows:

1. A person shall not kindle, maintain, or authorize to be kindled or maintained in the City of Sonora, whether on private or public property, any open burning unless conducted in accordance with Chapter 9 of Title 24 of the California Code of Regulations (hereinafter referred to as the “California Fire Code”).
2. This section shall not prohibit outdoor burning in the City of Sonora that is pre-approved of by the Fire Code Official for the following purposes:
 - 2.1 The prevention of a fire hazard that cannot be evaded by any other means.
 - 2.2 The instruction of public employees in the methods of fighting fires.
 - 2.3 The instruction of employees in the methods of fighting fires, when such fire is set, pursuant to a permit, on property used for industrial purposes.
 - 2.4 The setting of backfires necessary to save life or valuable property.
 - 2.5 The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.
 - 2.6 Disease or pest prevention when there is an immediate need for and no reasonable alternative to burning.
3. Nothing in this Section shall be construed as prohibiting open outdoor fires used only for:
 - 3.1 Cooking food for human consumption where such outdoor use is accomplished in a fireplace or barbecue pit which meets the requirements of the California Code of Regulations, or
 - 3.2 Recreational purposes with the following restrictions:
 - 3.2.1 The location of the recreation use is approved by the Fire Code Official. Approval shall be in accordance with Sections 307.1 through and including 307.5 of the California Fire Code.
 - 3.2.2 The burning material used is clear dry wood or charcoal; and
 - 3.2.3 The burning occurs only on a “permissive burn day.”

4. For purposes of this Section, the "Fire Code Official" shall be the Sonora Fire Chief or designee.
5. The violation of any provision of this Section shall constitute an infraction punishable by:
 - 5.1 A fine not exceeding one hundred dollars (\$100.00) for a first violation
 - 5.2 A fine not exceeding two hundred and fifty dollars (\$250.00) for a second violation of the same ordinance within ninety (90) calendar days of the First Offense.
 - 5.3 If any provision of this Section shall be violated a third or more times within six months of the original violation, the violation shall constitute a misdemeanor.
 - 5.3.1 Any person convicted of a misdemeanor under the provisions of the Sonora Municipal Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the County Jail of the County of Tuolumne for a period of not more than one (1) year, or by both such fine and imprisonment
6. The City retains the right to pursue any civil remedies authorized by law.

Pursuant to Government Code section 36937, subdivision (a), this Ordinance shall take effect thirty (30) calendar days after its final passage by the Sonora City Council.

Publication shall occur within fifteen calendar days after its final passage as mandated by Government Code section 36933.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Sonora, California, on April 20, 2015, and passed and adopted as an Ordinance of said City at a regular meeting of said City Council on May 3, 2015, by the following vote:

AYES: Ron Stearn, Connie Williams, George Segarini
Jim Garaventa

NOES: None

ABSENT: Bill Canning

ABSTENTIONS: None

Signed and Approved on: May 4, 2015

Ronald E. Stearn
Ronald E. Stearn
Mayor
City of Sonora

Attestation:

Date: May 4, 2015

Marijane Cassinetto
Marijane Cassinetto
City Clerk
City of Sonora

Approved as to Form:

Byron C. Smith
Byron Smith
City Attorney
City of Sonora

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May 12, 2015