

**ALBION LITTLE RIVER FIRE PROTECTION DISTRICT**

ORDINANCE NO. \_\_\_\_\_

**PROHIBITING INTENTIONAL DEAD STANDING TIMBER**

**WHEREAS**, The Albion Little River Fire Protection District is comprised significantly of Forest Lands; and

**WHEREAS**, standing but not downed dead hardwoods present an extreme fire danger, which threatens the health and safety of rural residents; and

**WHEREAS**, such standing but not downed dead trees pose a life safety risk to firefighters; and

**WHEREAS**, naturally occurring events result in dead standing timber from time to time; and

**WHEREAS**, if any section, subsection, sentence, phrase or clause of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Directors of the District here declare that they would have adopted the Ordinance and each section despite the fact that one or more section, subsection, phrases or clauses be declared invalid;

**NOW, THEREFORE**, the Board of Directors of the Albion Little River Fire Protection District ordains as follows:

Trees intentionally killed and left standing are a public nuisance. Trees intentionally killed must be downed or otherwise removed within thirty days of initial act intended to kill tree(s).

**VIOLATIONS**

Persons who shall violate this ordinance shall be guilty of an infraction, which shall be punishable by a fine in accordance with Sections 17(d) of the currently adopted California Penal Code.

Any person who fails or refuses to correct or eliminate intentionally dead standing timber after written order of the District Board or its authorized representative is guilty of a misdemeanor, which shall be punishable by fine or imprisonment or both in accordance with Section 19 of the currently adopted California Penal Code. The imposition of a punishment pursuant to this paragraph shall neither excuse the violation, nor shall it authorize the violation to continue or preclude the District from taking other action to enforce compliance with this ordinance. All violations shall be corrected within ninety days regardless of whether a conviction is obtained. Each thirty days that a violation continues after due notice has been served, shall be deemed a separate offense.

Fine shall be ten dollars per intentional dead standing tree.

The District shall be entitled to recover all of its actual expenses incurred to correct violations and to obtain compliance.

**DATE OF EFFECT**

Pursuant to Section 36937 of the Government Code of the State of California, this ordinance shall take effect and be in full force and affect thirty (30) days after its final passage.

Passed and Adopted by the Board of Directors of the Albion Little River Fire Protection District on \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

Skyhawk \_\_\_\_\_

Roat \_\_\_\_\_

Levine \_\_\_\_\_

Canclini \_\_\_\_\_

Riley \_\_\_\_\_