

Laws related to equipment use in the State Responsibility Area



This handout is intended to guide you in the laws related to operation of equipment in the State Responsibility Areas (wildland areas) of the Tuolumne-Calaveras Unit. This handout focuses on the laws applicable to the typical residential landowner; it does not cover the additional laws related to industrial operations. On this page you will find a brief overview of the applicable laws, which are designed to prevent the occurrence of wildfires and/or allow a person to extinguish a fire they kindled before it spreads beyond control. On the reverse side you will find the applicable Public Resource Codes (PRC) in their entirety. Additional information can be found at <http://www.fire.ca.gov/>, <http://www.readyforwildfire.org/> and <https://leginfo.legislature.ca.gov/faces/codes.xhtml> . You can also contact us at (209) 754-3831 or visit your local CAL FIRE Station.

- When operating portable gas powered tools (ie chainsaws, weed eaters, blowers, etc) during the time when burn permits are required (May 1st thru typically October or November), you must have a serviceable 46" round point shovel or approved fire extinguisher within 25' of the operator. (PRC 4431)
- When operating stationary equipment (ie generators), welding, grinding, or using cutting torches, during the time when burn permits are required (May 1st thru typically October or November), you must have ten feet of clearance around the operation or equipment, a serviceable 46" round point shovel and a serviceable backpack pump water-type fire extinguisher. (PRC 4427)
- No person shall operate an internal combustion engine on forest, brush or grass covered lands unless the engine is equipped with a spark arrester. Turbo charged engines are exempt, as are passenger vehicles equipped with a muffler. (PRC 4442)
 - **NOTE:** The typical lawn tractor many people use to mow native grasses is *not* equipped with a spark arrester. These tractors are typically sold as lawn tractors (ie green lawns), and therefore are not equipped with a spark arrester. If you will be using the tractor on forest, brush or grass covered lands, it must be equipped with a spark arrester. Check with the dealer in regards to fitting a spark arrester to the exhaust system.
- If a fire starts from the use of an engine, machine or other device which may cause a fire (chainsaws, weed eaters, lawn tractors, etc), the occurrence of the fire is prima facie evidence of negligence in the maintenance, operation or use of the device. If the fire escapes from where it originated, the person operating the equipment is guilty of a misdemeanor. (PRC 4435)
Additionally, you may be held liable for damages and suppression costs.

PRC 4431. During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. The Director of Forestry and Fire Protection shall by administrative regulation specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions.

The required fire tools shall at no time be farther from the point of operation of the power saw or tool than 25 feet with unrestricted access for the operator from the point of operation.

PRC 4427. During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

(a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.

(b) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

This section does not apply to portable powersaws and other portable tools powered by a gasoline-fueled internal combustion engine.

PRC 4442. (a) Except as otherwise provided in this section, no person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester, as defined in subdivision (c), maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire pursuant to Section 4443.

(b) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

(c) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.

(d) Engines used to provide motive power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

(e) Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

(f) Motor vehicles when being operated in an organized racing or competitive event upon a closed course are not subject to this section if the event is conducted under the auspices of a recognized sanctioning body and by permit issued by the fire protection authority having jurisdiction.

4435. If any fire originates from the operation or use of any engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or any other device which may kindle a fire, the occurrence of the fire is prima facie evidence of negligence in the maintenance, operation, or use of such engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or other device. If such fire escapes from the place where it originated and it can be determined which person's negligence caused such fire, such person is guilty of a misdemeanor.