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1 Introduced by Committee on Natural Resources and Energy

2 Referred to Committee on

3 Date:

4 Subject: Conservation and development; forest fires; forest fire wardens

5 Statement of purpose of bill as introduced: This bill proposes to amend

6 requirements related to the compensation and authority of town forest fire

7 wardens. The bill would also amends the process for State reimbursement of

8 municipalities for municipal costs of forest fire suppression. In addition, the

9 bill would amend the requirements for an open kindle permit.

10 An act relating to forest fire suppression and forest fire wardens

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 10 V.S.A. chapter 83, subchapter 4 is amended to read:

13 Subchapter 4. Forest Fires and Fire Prevention

14 § 2641. TOWN FOREST FIRE WARDENS; APPOINTMENT AND

15 REMOVAL

16 (a) Upon approval by the ~~select board~~ selectboard and acceptance by the

17 appointee, the ~~commissioner~~ Commissioner shall appoint a town forest fire

18 warden for a term of five years or until a successor is appointed. A town forest

19 fire warden may be reappointed for successive five-year terms by the

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1 Commissioner or until a successor is approved by the selectboard and
2 appointed by the Commissioner. The warden may be removed for cause at any
3 time by the ~~commissioner~~ Commissioner with the approval of the ~~select board~~
4 selectboard. A warden shall comply with training requirements established by
5 the ~~commissioner by rule~~ Commissioner.

6 (b) The ~~commissioner~~ Commissioner may appoint a forest fire warden for
7 an unorganized town or gore, who shall ~~hold office until he or she resigns or is~~
8 ~~removed for cause~~ serve for a term of five years or until a successor is
9 appointed. An appointed forest fire warden for an unorganized town or gore
10 may be reappointed for successive five-year terms by the Commissioner until
11 the Commissioner appoints and the unorganized town or gore approves a
12 successor. The warden may be removed for cause at any time by the
13 Commissioner with the approval of the unorganized town or gore. The forest
14 fire warden of an unorganized town or gore shall have the same powers and
15 duties as town forest fire wardens and shall be subject to the requirements of
16 this subchapter.

17 (c) When there are woodlands within the limits of a city or incorporated
18 village, the chief of the fire department of such city or village shall act as the
19 city or village forest fire warden with all the powers and duties of town forest
20 fire wardens.

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1 (d) When the ~~commissioner~~ Commissioner deems it difficult in any
2 municipality for one warden to take charge of protecting the entire
3 municipality from forest fires, he or she may appoint one or more deputy forest
4 fire wardens. Such wardens under the direction of the fire warden shall have
5 the same powers, duties, and pay and make the same reports through the fire
6 warden to the ~~commissioner~~ Commissioner as forest fire wardens.

7 (e) The ~~commissioner~~ Commissioner may appoint special forest fire
8 wardens who shall hold office during the pleasure of the ~~commissioner~~
9 Commissioner. Such fire wardens shall have the same powers and duties
10 throughout the ~~state~~ State as town forest fire wardens, except that all expenses
11 and charges incurred on account of their official acts shall be paid from the
12 appropriations for the ~~department~~ Department.

13 § 2642. SALARY AND COMPENSATION OF TOWN FOREST FIRE
14 WARDENS

15 (a) The salary of a town forest fire warden shall be determined by the
16 selectboard members for time spent in the performance of the duties of his or
17 her office, which shall be paid by the town. He or she shall also receive from
18 the town the sum of \$0.15 for each fire permit issued. In addition thereto, he
19 or she shall receive from the ~~commissioner~~ \$20.00 Commissioner \$30.00
20 annually for properly making out and submitting reports of fires in his or her
21 district fulfilling the requirements of section 2645 of this title and keeping the

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1 required ~~state~~ State records. He or she shall also receive from the
2 ~~commissoner~~ \$15.00 ~~Commissioner~~ \$30.00 per diem for attendance at each
3 training ~~meeting called~~ required by the ~~commissoner~~ Commissioner. He or
4 she shall also receive annually an amount of \$10.00 for each fire report that is
5 submitted by the forest fire warden under section 2644 of this title.

6 (b) ~~The pay of a warden of an unorganized town or gore and his or her~~
7 ~~assistants, including patrolmen, and all expenses incurred by him or her in~~
8 ~~extinguishing forest fires, as provided for by the Commissioner, including~~
9 ~~employment of a person to assist him or her, on the approval of the~~
10 ~~Commissioner, shall be paid by the State from the monies annually available~~
11 ~~from taxes in the unorganized town and gore, and the Commissioner of~~
12 ~~Finance and Management shall issue his or her warrant therefor. [Repealed.]~~

13 (c) A person employed by a warden to assist him or her in extinguishing a
14 forest fire as authorized under section 2644 of this title, shall be paid at the
15 same rate per hour as is paid for labor upon highways. A minimum of two
16 hours' pay for the first hour or any portion thereof shall be allowed persons
17 who are officially summoned to assist in the extinguishment of forest fires.
18 When a warden employs men or women in extinguishing a fire in a
19 municipality adjoining his or her own, the expense incurred shall be paid by
20 the municipality in which the work was done at the rate of pay prevailing in the
21 municipality where the laborers reside. A municipality wherein such warden

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1 ~~resides shall forthwith pay the warden and assistants for their services, and the~~
2 ~~municipality may recover the expense thereof in a civil action on this statute~~
3 ~~from the municipality where the work was done. [Repealed.]~~

4 § 2643. TOWN'S LIABILITY FOR EXTINGUISHING FOREST FIRES;

5 STATE AID

6 (a) ~~For the purpose of extinguishing forest fires, a town shall not be held~~
7 ~~liable in any one year for an amount greater than ten percent of its grand list.~~
8 The municipality in which a forest fire occurs shall pay the cost of forest fire
9 suppression. The costs incurred by and reimbursable to a municipality shall
10 include personnel and equipment costs. Forest fire suppression costs mean
11 those costs attributed to suppressing an individual fire or the total costs of fire
12 suppression incurred by a municipality in any one calendar year. The rate for
13 fire suppression costs shall apply to all fire departments responding to a fire.
14 Fire suppression costs only shall include costs of fire suppression in a given
15 fire.

16 ~~(b) The state shall reimburse a town for its forest fire suppression costs in~~
17 ~~excess of ten percent of its grand list and for one-half its forest fire suppression~~
18 ~~costs up to and including ten percent of its grand list when the bills are~~
19 ~~presented to the commissioner by December 31 of each year with proper~~
20 ~~vouchers and in a form approved by him~~ For the purpose of extinguishing
21 forest fires on lands owned by the Agency of Natural Resources, the State shall

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1 reimburse a town for all its forest fire suppression costs at a rate to be
2 determined by the Commissioner. If the total acreage of a forest fire is
3 determined to be partially on land owned by the Agency of Natural Resources
4 and partially on land owned by another party, the State shall reimburse the
5 town a percentage of the total fire suppression costs that is equal to the
6 percentage of the land on which the fire occurred that is owned by Agency of
7 Natural Resources.

8 (d) For any forest fire on lands owned by the Agency of Natural Resources
9 to be considered eligible for reimbursement from the State, a town forest fire
10 warden shall have reported the forest fire to the Commissioner within 14 days
11 of its extinguishment as required under section 2644 of this title. For
12 reimbursement of fire suppression costs for forest fires on land owned by the
13 Agency of Natural Resources, the town forest fire warden and the
14 Commissioner, or his or her designee, shall approve the costs before
15 submission to the municipality for payment. The town forest fire warden may
16 submit to the State on an annual basis a request for reimbursement of fire
17 suppression costs on lands owned by the Agency of Natural Resources. The
18 State shall reimburse a town for all applicable forest fire suppression costs
19 when the reimbursement request is presented to the Commissioner by
20 December 31 of each year in a form approved by the Commissioner.

21 § 2644. DUTIES AND POWERS OF FIRE WARDEN

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1 (a) When a forest fire or fire threatening a forest is discovered in his or her
2 town, the town forest fire warden shall enter upon any premises and take
3 measures for its prompt control and extinguishment. The town forest fire
4 warden may call upon any person for assistance. ~~He or she may arrest without~~
5 ~~warrant any person found in the act of violating a provision of law or~~
6 ~~proclamation pertaining to forest fires.~~ The town forest fire warden is
7 authorized to direct, control, and supervise firefighting operations to suppress a
8 forest fire. The town forest fire warden may choose to share or delegate
9 command authority to a chief engineer or, in the chief's absence, the highest
10 ranking assistant present during the fire.

11 (b) A town forest fire warden shall keep a record of his or her acts, ~~the~~
12 ~~amount of expenses incurred,~~ the number of fires and causes, the areas burned
13 over, and the character and amount of damages done in the warden's
14 jurisdiction. Within two weeks after the ~~discovery of such~~ extinguishment of a
15 fire, he or she the town forest fire warden shall report the same fire to the
16 ~~commissioner on forms which shall be furnished by him or her~~ Commissioner,
17 but the making of such a report under this subsection shall not be a charge
18 against the town.

19 (c) ~~During the danger season and subject to the approval or direction of the~~
20 ~~commissioner, a warden shall establish a patrol in dangerous localities, and the~~
21 ~~expense for the same shall be paid as expenses for fighting fires. Wardens shall~~

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1 receive the same pay for time spent in posting notices, patrolling or in making
2 investigations of damages done that they receive for time spent in actual fire
3 fighting. [Repealed.]

4 § 2645. OPEN BURNING; PERMITS

5 (a) Except as otherwise provided in this section, a person shall not kindle or
6 authorize another person to kindle a fire in the open air for the purpose of
7 burning natural wood, brush, weeds, or grass ~~or rubbish of any kind except~~
8 ~~where there is snow on the site, without first obtaining permission from the fire~~
9 ~~warden or deputy warden of the town, stating when and where such fire may~~
10 ~~be kindled~~ without first obtaining permission from the town forest fire warden
11 or deputy forest fire warden, stating when and where such fire may be kindled.
12 Wood, brush, weeds, or grass may not be burned if they have been altered in
13 any way by surface applications or injection of paints, stains, preservatives,
14 oils, glues, or pesticides. Whenever such permission is granted, ~~such the fire~~
15 warden, within 12 hours, shall issue a written ~~permit~~ “Permit to Kindle” for
16 record purposes stating when and where such fire may be kindled. ~~Permission~~
17 ~~shall not be required for the kindling of a fire in a location which is 200 feet or~~
18 ~~more from any woodland, timberland or field containing dry grass or other~~
19 ~~flammable plant material contiguous to woodland. With the written approval~~
20 ~~of the secretary, during periods of extreme fire hazard, the commissioner may~~

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1 notify town fire wardens that for a specified period no burning permits shall be
2 issued. The wardens shall issue no permits during the specified period.

3 (b) ~~Whenever the commissioner deems that the public safety of any town~~
4 ~~or portion of a town of this state does not require the protection provided by~~
5 ~~this section, he or she may cause the town fire warden of any such town to post~~
6 ~~notices to that effect in not less than five conspicuous places in such town.~~

7 [Repealed.]

8 (c) The provisions of this section will not apply to:

9 (1) ~~To areas posted in accordance with subsection (b) of this section the~~
10 kindling of a fire in a location where there is snow surrounding the open
11 burning site;

12 (2) ~~To fires built in stone arches, outdoor fireplaces, and existing fire~~
13 rings at state State recreational areas;

14 (3) ~~To fires built in special containers used for burning brush, waste,~~
15 ~~grass or rubbish when conditions are deemed satisfactory to the town fire~~
16 warden the kindling of a fire in a location that is 200 feet or more from any
17 woodland, timberland, or field containing dry grass or other flammable plant
18 material contiguous to woodland; or

19 (4) ~~To areas within cities or villages~~ **cities** maintaining a fire
20 department.

21 (d)(1) As used in this section, “natural wood” means:

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1 (A) trees, including logs, boles, trunks, branches, limbs, and stumps;

2 (B) lumber, including timber, logs, or wood slabs, especially when
3 dressed for use; and

4 (C) pallets that are used for the shipment of various materials, so long
5 as such pallets are not chemically treated with any preservative, paint, or oil.

6 (2) “Natural wood” shall not mean other wood products such as
7 sawdust, plywood, particle board, or press board.

8 (e) Nothing in this section shall be construed to limit the authority of the air
9 pollution control officer to prohibit open burning in accordance with the rules
10 adopted under chapter 23 of this title.

11 § 2648. SLASH REMOVAL

12 (a) A person may cut or cause to be cut forest growth only if all slash
13 adjoining the right-of-way of any public highway, or the boundary lines of
14 woodlots owned by adjoining property owners, is treated as follows:

15 (1) All slash shall be removed for a distance of 50 feet from the
16 right-of-way of any public highway or from the boundary lines of woodlots
17 owned by adjoining property owners.

18 (2) All slash shall be removed for a distance of 100 feet from standing
19 buildings on adjoining property.

20 (b) ~~Owners or operators of timber or woodlots shall leave the main logging~~
21 ~~roads through cut-over areas free from slash so that tractors may pass over~~

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1 ~~these roads unobstructed in order to carry men and supplies and fire fighting~~
2 ~~equipment to fire suppression crews. [Repealed.]~~

3 (c) If in the opinion of the town forest fire warden there is no fire hazard as
4 a result of a cutting, the warden may issue, upon request, a statement relieving
5 the operator of the conditions required in this section.

6 Sec. 2. 10 V.S.A. § 2515 is added to read:

7 § 2515. INTERCOMPACT LIABILITY—ARTICLE XIV

8 The provisions of Article IX of this compact that relate to mutual aid in
9 combatting, controlling, or preventing forest fires shall be operative as between
10 any state party to this compact and any other state that is party to a regional
11 forest fire protection compact in another region provided that the legislature of
12 such other state shall have given its assent to the mutual aid provisions of this
13 compact.

14 Sec. 3. EFFECTIVE DATE

15 This act shall take effect on July 1, 2016.