



Why Do We Have Fire Laws?

By Craig Hill, Law Enforcement Chief, Alabama Forestry Commission

Each year, wildfires damage and destroy thousands of acres of woodlands and personal property, as well as endanger anyone in their path, including fire fighters. Alabama's fire laws were established to achieve two simple goals – protect people and protect property. To that end, outdoor burning can be restricted and/or prohibited through four different methods: state law, local ordinances, ADEM laws/regulations, and health department rules.

State Law

Permit Requirement – It is Alabama state law to obtain a Burn Permit for all fires greater than one quarter acre or within 25 feet of a forested area where grasslands, woodlands, or fields are to be burned for agricultural or forestry purposes. Before a burn permit is issued, the person desiring the permit must acknowledge and agree to the following conditions: to clear down to mineral soil around the area to be burned; to have adequate tools, equipment, and manpower to control the fire; and to keep the fire confined and not leave it unattended until it is completely out.

Burning without a permit is a Class B Misdemeanor, which may be punished by up to six months in jail and/or up to a \$3,000 fine. Burn permits are free of charge and can be obtained by calling the Alabama Forestry Commission toll free at 1-800-392-5679.

Fire Alert – When weather conditions produce extraordinary dangers from fire or smoke, a Fire Alert can be issued by the State Forester. A Fire Alert authorizes the State Forester to restrict or deny the issuance of burn permits in certain areas of the state, with permits issued only to individuals with burning experience and above average control equipment.

Drought Emergency – During prolonged periods without rain, the Governor may direct the State Forester to declare a Drought Emergency for specific counties in which all outdoor burning is prohibited. The Drought Emergency is often referred to as a “No Burn Order.”

AFC Authorization to Investigate Wildland Fires

The majority of wildfires in Alabama are caused by persons either intentionally setting fires or simply not taking the precautions required by state law. State law authorizes Alabama Forestry Commission personnel to enter upon private property to investigate and suppress wildfires. During these investigations, the origin and cause of the fire is determined.

If the cause of the fire was the result of not following state law, it becomes a criminal offense. State law requires that the area around any type debris pile must be cleared in all directions of any material that may spread fire *and* that someone must stay with the fire until it is totally extinguished. Careless or reckless handling of fire is also a criminal violation. For example: A person sets fire to a pile of limbs, does not clear around the fire, and

(Continued on page 26)



Fire Laws

(Continued from page 25)

then leaves the fire. Upon returning, he/she finds that the fire escaped and burned a neighbor's barn, etc. This person would be both criminally (also a Class B misdemeanor) and civilly liable. State fire laws can be enforced by any state, county, or municipal law enforcement officer.

Wildland arson is a serious offense which is committed when any person maliciously and intentionally sets fire to the land of another without the permission of the owner. Wildland arson is a Class C felony which, upon conviction, carries a penalty of 1-10 years imprisonment and/or up to a \$15,000 fine.

Uncontrolled wildfire should not be confused with prescribed burning. Prescribed burning for agricultural, forestry, and wildlife purposes is very beneficial when performed as part of an overall land management plan. However, a professional forester or wildlife biologist should be consulted to ensure that the time and area to be burned would be favorable to meeting the goals of the property.

Fire prevention education is a very important part of the AFC's effort to reduce wildfires. In addition to public presentations to school and civic groups, a written warning called an "Unlawful Burn Notice" is often utilized. This warning serves two purposes: 1) it educates the responsible party about state fire law requirements and 2) it gives the Commission official documentation that this person has been warned about the fire law violation and instructed about the requirements of the law.

ADEM Laws/Regulations

The Alabama Department of Environmental Management (ADEM) restricts outdoor burning of certain materials due to health and/or air quality concerns. ADEM also restricts outdoor burning in certain counties during specific months of the year. Before burning, check with ADEM to ensure that the area in which you want to burn and the materials you intend to burn are legal. ADEM is responsible for enforcing these laws.

Alabama Department of Public Health Laws

State Health Department law prohibits the burning of garbage and other materials which would pose a threat to human health. Your local health department should be notified of persons violating these laws.

Local Ordinances

Many municipalities and counties have ordinances that prohibit burning during certain months of the year and/or require that burning permits be obtained before any outdoor burning. You should check with your city or county government before burning. City and county ordinances must be enforced by the appropriate city or county.

The Alabama Forestry Commission is committed to reducing the number of forestry-related crimes that occur each year across the state. These crimes generate losses of hundreds of thousands of dollars annually to landowners, the timber industry, and Alabama's economy.

Stopping wildland arson is everyone's responsibility, because fire is not a respecter of person or property. 🙏

The AFC provides an Arson/Forest Crimes Hotline so that citizens can call and report theft of timber, vandalism or theft of harvesting equipment, and wildland arson. The toll-free number is 1-800-222-2927. Any information provided is confidential and the caller remains anonymous.