

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 289

(By Mr. Bowling)

PASSED March 14 1953

In Effect from Passage

698

ENROLLED

Senate Bill No. 289

(By MR. BOWLING)

[Passed March 14, 1953; in effect from passage.]

AN ACT to amend and reenact section four-a, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the control and prevention of fires in the forests of the state and the powers of the director of conservation with respect thereto.

Be it enacted by the Legislature of West Virginia:

That section four-a, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4-a. *Fire Seasons; Permits; Closure of Forest*

2 *Land.*—The period of each year between March first and

3 May thirty-first inclusive and October first and December
4 thirty-first inclusive, are hereby designated as forest fire
5 seasons. No person shall during the fire season, except
6 between the hours of five o'clock P. M. to five o'clock
7 A. M., set on fire or cause to be set on fire any forest land,
8 grass, stubble, brush, slash, debris, or any other inflam-
9 mable substance, on either his own or the property of
10 another. If any such burning results in the escape of
11 fire and injury to the property of another, such escape
12 shall be prima facie evidence that the burning was not
13 safe and was in violation of this section. Industrial and
14 special permits may be issued by the director or his au-
15 thorized representatives.

16 The director may refuse, revoke, postpone or suspend
17 all burning when necessary to prevent danger to life or
18 property. A permit obtained through wilful misrepresen-
19 tation shall be invalid. If the director finds that condi-
20 tions in any locality of the state so require, he may sus-
21 pend any or all permits issued under this section and pro-
22 hibit absolutely the use of all fires.

23 In case of danger from fire to life or property, the di-

24 rector may close any forest land or any part thereof to
25 all entry, until the period of danger is past.

26 Industrial and other bona-fide users may continue oper-
27 ations by taking all necessary and adequate precautions
28 to prevent, control and suppress any fire in the area of
29 operation. Failure to take such action will result in sus-
30 pension of such operations during the period of such for-
31 est fire danger, and such failure will be prima facie
32 evidence of a violation of this section.

33 The presence of any person or persons entering or being
34 upon any forest land so closed and not a bona-fide user
35 of the forests, will also be prima facie evidence of a viola-
36 tion of this section.

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MAR 19 1933
U. S. FOREST SERVICE
WASHINGTON, D. C.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

J. M. Kiley
Chairman Senate Committee

E. Hamblen
Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

Harvard Myers
Clerk of the Senate

J. H. Hiff
Clerk of the House of Delegates

Ralph Bean
President of the Senate

[Signature]
Speaker House of Delegates

The within *approved* this the *19th*

day of *March*, 1953.

William C. Macland
Governor.



FILED IN THE OFFICE OF THE SECRETARY OF STATE
OF THE VIRGINIA
MAR 19 1953
D. PITT O'BRIEN,
SECRETARY OF STATE