WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 247

(By Mr. [Signature] and Mr. [Signature])

PASSED [Signature] 1969

In Effect Ninety days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69
AN ACT to amend and reenact sections five, six and ten, article three, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to forest fire seasons and the prevention of forest fires.

Be it enacted by the Legislature of West Virginia:

That sections five, six and ten, article three, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. FOREST AND WILDLIFE AREAS.

§20-3-5. Forest fire seasons; permits for fires; prohibited fires; closure of forests.

1 The periods of each year between March first and May thirty-first, inclusive, and October first and December
thirty-first, inclusive, are hereby designated as forest fire
seasons. No person shall during any such fire season, ex-
cept between the hours of five o'clock P.M. eastern stand-
ard time and five o'clock A.M. eastern standard time, set on
fire or cause to be set on fire any forest land, or any
grass, grain, stubble, slash, debris, or other inflammable
materials. Such prohibition of fires between five o'clock
A.M. eastern standard time and five o'clock P.M. eastern
standard time shall not be construed to include (1) small
fires set for the purpose of food preparation, or pro-
viding light or warmth around which all grass, brush,
stubble, or other debris has been removed for a distance
of ten feet, and (2) burning which may be conducted at
any time when the ground surrounding the burning site is
covered by one inch or more of snow. Any person who
sets or causes to be set any fire permitted by this section
shall not leave such fire unattended for any period of time.
The director or his designated appointees or employees
may issue permits authorizing fires prohibited by the
preceding paragraph. Such permits may be granted on
such conditions and for such periods of time as the di-
rector deems necessary to prevent danger from fire to life or property, and noncompliance with any term of the permit shall be a violation of this section. Any permit which was obtained through wilful misrepresentation shall be invalid. All permit holders shall take all necessary and adequate precautions to confine and control any fire permitted by the authorization; failure to take such action shall be a violation of this section and shall be justification for the director's obtaining a court order requiring the permit holder to extinguish and cease using fires during the forest fire season.

When the director considers it necessary to prevent danger from fire to life or property, he may, with the prior approval of the governor, prohibit the starting of and require the extinguishment of any fire in any forest area designated by the director, and such action may include any fire for which a permit has been issued under the preceding paragraph. In addition, if so deemed necessary, the director may, with the prior approval of the governor, designate any forest area as a danger area and prohibit entry thereon or use thereof except for the
purposes and on the conditions he designates. The di-
rector by proclamation shall establish such areas and
designate which fires are prohibited therein; and if a
danger area is established, he shall announce the pur-
poses for which and conditions under which entry thereon
or use thereof may be made. Action hereunder may be
taken by the director at any time during the year. Notice
of any proclamation hereunder shall be posted on each
primary road at the entrance to the designated areas and
copies of the proclamation shall be furnished at the time
of posting to newspapers, radio stations and television
stations which serve the area designated. The proclama-
tion shall not be effective until twenty-four hours after
it is posted as herein provided. Any proclamation here-
under shall remain in force until the director, with the
approval of the governor, by order terminates it. The
order shall designate the time of termination, and notice
of any such order shall be furnished to each newspaper,
radio station and television station which received a copy
of the proclamation. The posted notices shall be re-
moved as soon as possible after termination of any such
proclamation. Any person who starts or fails to extinguish a fire so prohibited or enters or uses a danger area otherwise than permitted shall be guilty of a violation of this section.

§20-3-6. Failure of person to extinguish fire started or used by him; escape of fire to property of another; throwing lighted material on forest land.

Any person who, by himself, or by his servants, agents or guides, or as a servant, agent or guide of any other person, shall at any time build or use any fire in any field, in any public or private road, or in any area adjacent to or in any forest land in this state, shall, before leaving such fire for any period of time, totally extinguish the same.

Any person or his agent or employee who shall set or cause to be set any fire at any time in the use and occupation of any land on which the burning was being done, or who shall permit any such fire to escape to the lands of another, shall be in violation of the provisions of this section.

A person shall not at any time throw or place any lighted match, cigar, cigarette, firecracker or lighted ma-
material on any forest land, private road, public highway or railroad right-of-way within this state.

Any person who violates any provision of this section shall be guilty of a misdemeanor.

§20-3-10. Spark arresters for sawmills, etc.; risk and hazard reduction to protect against fires.

No person, firm or corporation shall use or operate in forest land, or within one eighth of a mile therefrom, a sawmill, a power shovel, or an engine or machine capable of throwing sparks, unless the equipment is provided with an adequate spark arrester. Escape of fire from such equipment shall be prima facie evidence that such appliance was not maintained properly in compliance with this section.

Any person, firm, or corporation owning any land and knowing of inflammable waste disposal on said land, and any person, firm, or corporation, using any land for the purpose of inflammable waste disposal, shall remove annually all grass, brush, debris and other inflammable material adjacent to such disposal areas to provide adequate protection to prevent the escape of fire to adjacent lands. Escape of fire from any such disposal area shall
be prime facie evidence that this section had not been complied with.

Any person, firm or corporation violating this section shall be guilty of a misdemeanor.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Howard Lee
Clerk of the Senate

C. A. Lanier
Clerk of the House of Delegates

L. H. Green
President of the Senate

N. T. Doransby
Speaker House of Delegates

The within approved this the 14th day of March, 1969.

Archibald Thomas Jr.
Governor
PRESENTED TO THE GOVERNOR

Date 3/11/69
Time 2:00 P.M.

RECEIVED
Mar 17 9:10 PM '69

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA