

**ASK THE LEAGUE, JULY 2016**

**How does H.857 affect local fire wardens?**

The Vermont Legislature recently passed H.857, “an act relating to timber harvesting.” The bill, among other things, modifies the appointed position of the local fire warden. The portions of the bill that affect the fire warden take effect on July 1, 2016.

The bill changes the statutory title of the office from “Fire Warden” to “Town Forest Fire Warden.” Town forest fire wardens must be appointed by the Commissioner of the Department of Forests, Parks and Recreation upon approval by the selectboard and may be reappointed by the commissioner for successive five-year terms. When there are woodlands within the limits of a city – but no longer a village – the chief of the fire department acts as the city forest fire warden.

The bill also changes how a fire warden is compensated. Previously, towns paid the fire warden 15 cents for each fire permit issued. That provision has been struck, leaving the town to set the fire warden’s salary. In addition, the annual stipends paid to the fire warden by the commissioner are increased from \$20 to \$30 for record keeping and \$15 to \$30 for attending required training. A payment of \$10 for each fire report submitted was also added.

While the fire warden is still responsible for taking measures needed to bring forest fires under prompt control, he or she may no longer arrest without warrant any person who violates laws pertaining to forest fires. In the event of a forest fire, the fire warden may now choose to share or delegate command authority to a chief engineer of a responding fire department or, in the chief’s absence, the highest ranking assistant firefighter present during the fire.

H.857 prohibits the burning of any wood, brush, weeds, or grass if they have been altered in any way by surface applications or injection of paints, stains, preservatives, oils, glues, or pesticides. The bill also changes the requirements for open burning permits. The fire warden is still in charge of issuing those permits, but now a permit is required to burn natural wood, brush, weeds, or grass unless (1) snow surrounds the open burning site; (2) the fire is in an outdoor fireplace or fire ring not located within woodland, timberland, or a field containing dry plant material contiguous to a woodland; (3) the fire is 200 feet or more from any woodland or field containing dry plant material; or (4) it is in a city with a fire department. A city may impose permit requirements only by adopting a local ordinance.

The bill as enacted into law is posted [here](#).

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