

FIRE WARDEN

Roles and Responsibilities

The fire warden plays an important role in preventing forest fires in the town by enforcing laws and proclamations designed to prevent forest fires, by patrolling areas that are particularly vulnerable to fire during the seasons in which such fires are most apt to occur, and by issuing permits for open burning within the town. The fire warden, in conjunction with the local fire department, is also responsible to act quickly to bring forest fires into control.

Appointment. The town fire warden is appointed by the commissioner of the Vermont Department of Forests, Parks and Recreation, with the approval of the local selectboard. He or she serves for a term of five years or until a successor is appointed. The fire warden may be removed for cause at any time by the commissioner, with the approval of the selectboard. 10 V.S.A. § 2641. In addition, if the commissioner feels it is appropriate, he or she may appoint deputy fire wardens who shall act under the direction of the fire warden, and have the same powers, duties and pay as the fire warden. Finally, the commissioner may appoint special fire wardens who will hold office at the pleasure of the commissioner and who will have all of the same powers and duties as the fire warden, but who is paid from appropriations for the Department. 10 V.S.A. § 2641.

When there are woodlands within a city or incorporated village, the chief of the fire department acts as the fire warden. 10 V.S.A. § 2641.

Salary. The salary for the town fire warden and his or her assistants is determined by the selectboard, and is paid out for the time actually spent in the performance of duties. In addition to the warden's other duties, the town pays him or her \$0.15 for each fire permit issued. The commissioner pays \$20.00 annually for submitting district fire reports, and an additional \$15.00 per diem for attendance at fire training meetings called by the commissioner. 10 V.S.A. § 2642. The fire warden receives the same pay whether putting out fires, posting notices, patrolling or making investigations of damages. 10 V.S.A. § 2644(c).

Any individual employed by the warden to assist in extinguishing a forest fire must be paid the same per-hour rate as is paid by the town for labor on roads. Persons officially summoned to assist in extinguishing a forest fire shall be paid a minimum of two hours pay for the first hour, or part thereof. 10 V.S.A. § 2642(c).

Duties. The fire warden is responsible for taking measures needed to bring forest fires under prompt control. He or she may go on private property to extinguish fires and may arrest, without warrant, any person who violates the laws or proclamations pertaining to forest fires. 10 V.S.A. § 2644(a).

During the danger seasons, usually in the autumn or anytime during a prolonged drought, or during a time when a proclamation on a fire danger has been issued by the governor, or

anytime the warden feels the necessity of extra caution, he or she may, with the approval of the commissioner, establish a patrol in areas where the danger is potentially the greatest. Wardens taking part in these patrols will receive the same pay they receive for the actual fighting of fires. 10 V.S.A. § 2644(c).

If a town acquires a municipal forest, its protection is also under the supervision of the town fire warden, who will work under the direction of the commissioner. 10 V.S.A. § 2654.

Fire Permits. The fire warden is in charge of issuing permits for open burning. The general rule is that it is unlawful to start a fire outside to burn brush, weeds, grass or rubbish of any kind without a permit from the fire warden or a deputy warden, which states when and where the fire may be started. The warden shall issue written permission within 12 hours of granting verbal permission. The warden must use common sense and take into account the particular risk posed in order to determine whether a permit should be granted in each individual case. A permit is not required for kindling a fire 200 feet or more from any woodland, timberland, or field containing dry grass or other flammable plant material contiguous to forest or woodland. 10 V.S.A. § 2645(a).

Note that—in addition to a permit from the fire warden—permission of the owner, lessee, holder of right-of-way of the land or their agent must also be granted for any woodland fires between April 1 and November 1. 10 V.S.A. § 2647.

During periods of extreme fire hazards, the commissioner may notify the local fire wardens that no burning permits are to be issued for a specified period of time. 10 V.S.A. § 2645(a).

If the commissioner determines that any town or any portion of any town in the state does not need the protection of this statute, he or she may advise the fire warden to that effect, and the warden will post notices in at least five contiguous places in the town with that information. 10 V.S.A. § 2645(b).

The exception to the general rule is that the provisions of 10 V.S.A. § 2645(a) will not apply:

- To areas posted in accordance with the above paragraph.
- To fires that are built in specially constructed stone arches at state parks.
- To fires that are built in special containers constructed for that purpose under conditions approved by the local fire warden.
- To areas within cities or villages maintaining a fire department. 10 V.S.A. 2645(c).

When forests are being cut, the resulting slash must be treated to lessen fire hazards by:

- Removing all slash within 50 feet of a public highway or a woodlot boundary line.
- Removing all slash within 100 feet of standing buildings on adjoining property.

- Leaving the main logging roads through the cut-over areas free from slash so that tractors and fire fighting equipment can get through in the event of a forest fire.

The exception to this is that if the warden is satisfied that no fire hazard exists as a result of such cutting, he or she may relieve the operator of the above conditions. 10 V.S.A. § 2648.

Reporting. In the process of carrying out his or her duties, the fire warden must keep records of the number of forest fires, their causes, areas burned, and the character and amount of damages, as well as the expenses incurred in fighting these fires. A report to the commissioner shall be submitted within two weeks after any forest fire and must be filed on forms provided by the commissioner. 10 V.S.A. § 2644(b).