

149.400. Fire Hazard Seasons; Fires Prohibited; Exceptions.

(1) The periods commencing on **February 15 and ending on April 30 and commencing on October 1 and ending on December 15** of each year are hereby declared to be and established as the fire hazard seasons. During the fire hazard seasons, even though the precautions required by KRS 149.375 shall have been taken, it shall be unlawful for any person to set fire to, or to procure another to set fire to, any flammable material capable of spreading fire, located in or within one hundred fifty feet (150') of any woodland or brushland, except between the hours of **6:00 p.m. and 6:00 a.m.**, prevailing local time, or when the ground is covered with snow.

149.991. Penalties for Violation of KRS 149.360 to 149.430.

(1) Any person who violates any of the provisions of KRS 149.360 to 149.430 except KRS 149.380 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than six (6) months, or both such fine and imprisonment.

(2) Any person who violates any of the provisions of KRS 149.380 shall be fined not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) and imprisoned for not more than five (5) years, or both such fine and imprisonment.



*Prepared by the
Kentucky Division of Forestry*



Note: Other laws may apply to outdoor burning. Check local ordinances and contact your local Division of Air Quality and Division of Waste Management for further information.

The Energy and Environment Cabinet does not discriminate on the basis of race, color, national origin, sex, age, religion, or disability and provides, on request, reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in all services, programs, and activities. For more information, contact the Division of Forestry at (502) 564-4496 between 8 a.m. and 4:30 p.m. EST. Hearing- and speech-impaired persons can contact the agency by using the Kentucky Relay Service, a toll-free telecommunication device for the deaf (TDD). For voice to TDD, call 1-800-648-6057. For TDD to voice, call 1-800-648-6056.

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Kentucky Forest Fire Laws

A Portion of Kentucky Forest Fire Laws

149.370. Acts Creating Fire Hazards In Forests Prohibited. No person shall:

(1) Within or adjacent to timberland, dispose of a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any other substance or thing in such condition that it is likely to ignite a forest, brush, grass, or woods fire, or throw or drop any of the aforesaid objects or substances from a moving vehicle or drop or leave any of the aforesaid objects or substances within the limits of the right-of-way of any road or highway in such timberland. The driver of a moving vehicle shall be deemed prima facie liable where it cannot be determined which of the occupants of the moving vehicle threw or dropped any of the aforesaid objects or substances.

(2) Smoke in timberland during an emergency period of fire danger as proclaimed in KRS 149.405.

(3) Within or adjacent to timberland, set a backfire or cause a backfire to be set, except under the direct supervision of the Natural Resources and Environmental Protection Cabinet, or unless it can be established that the setting of such backfire is necessary for the purpose of saving life or valuable property.

(4) Without authority, destroy, deface, or remove any notice, sign, or poster of the Natural Resources and Environmental Protection Cabinet, posted for the better protection of wood lots, forests, or wild lands from fire or trespass.

(5) Use or operate within or adjacent to timberland a welding torch, tarpot, or other device which may cause a fire, without clearing flammable material surrounding the operation or without taking such other reasonable precautions necessary to ensure against the starting and spreading of fire.

(6) Discharge or cause to be discharged a gun firing incendiary or tracer bullets or tracer charge or combustible gun wadding onto or across any timberland.

(7) Have in his possession on timberland any incendiary or tracer bullet or tracer charge, except in the course of transporting the same in conformity with law.

(8) In or adjacent to timberland, set fire or direct another to set fire to any flammable material for debris removal, cooking, heating, or to provide light without first obtaining permission from the landowner and taking necessary precautions to prevent the fire from spreading to adjacent lands. All burning materials shall be attended until extinguished.

149.375. Setting Fire on Own Land Regulated.

It shall be unlawful, within or adjacent to timberland, for any person to set fire to, or to procure another to set fire to, any flammable material upon land owned or leased by him unless he previously shall have taken all reasonable care and precaution, by carefully clearing around the flammable material as necessary to prevent the escape or spread of fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to any flammable material, upon such land unless he shall have taken similar precautions to prevent the spread of such fire to any other land. All fires shall be attended until extinguished.

149.380. Setting Fire on Land Owned by Another, Prohibited. No person shall:

(1) Willfully, maliciously, or wantonly set fire or cause or procure to be set on fire any timberland, or flammable material on such land, which land is not owned, leased or controlled by him.

(2) Willfully, maliciously, or wantonly allow a fire to escape from his land and burn the land or property of another.

(3) Willfully, Maliciously, or wantonly set, throw

or place any device, instrument or paraphernalia in or adjacent to any timberland with intent to set or place any device, instrument or paraphernalia in or adjacent to any timberland with intent to set fire to such land, or which in the natural course of events would result in fire being set to such timberland.

149.385. Wood, Saw or Processing Mills and Railroads, Regulations.

(1) Any person operating or responsible for the operation of a sawmill, stavemill, heading mill, or other wood-working mill, or any manufacturing or processing establishment not entirely enclosed with fireproof or fire resistant walls or other fireproof or fire shielding, shall if such mill or establishment is in or adjacent to timberland, maintain a cleared area of at least one hundred fifty feet (150') in all directions from any fires maintained in or about or in connection with the operation of such mill or establishment and for a distance of one hundred feet (100') in all directions from any sawdust pile, slab pile, or any other flammable material accumulated from the operation of such mill or establishment.

149.390. Fires to Capture or Destroy Game Prohibited.

No person shall willfully or knowingly set fire to any timberland not his own, or hollow trees or stumps of flammable material on timberland not his own to capture or destroy wild birds or quadrupeds or to destroy feeding or breeding ground thereon.