

CHAPTER 47**(SB 164)**

AN ACT relating to controlled burns.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 149.400 is amended to read as follows:

- (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.
- (2) This section shall not apply to fires which may be set for the purpose of burning plant beds.
- (3) This section shall not apply to fires which may be set by competent and qualified employees of railroad, utility, or pipeline companies in connection with the construction, operation, or maintenance of railroads, pipelines, powerlines, or other projects in the public interest on rights-of-way used for such railroads, pipelines, powerlines, or other projects, and such fires shall be attended at all times and be extinguished before the employees of such railroad, utility, or pipeline companies leave the vicinity of the fire.
- (4) This section shall not apply to fires set by trained and qualified employees of a state government agency on land owned ***by the state or leased or managed by the state under a written agreement with the landowner***~~[or leased by the state,]~~ and set for the specific purpose of wildlife or plant habitat improvement, ecological site restoration, site preparation for natural or artificial regeneration or fuel reduction. Nongovernmental organizations ***and other governmental agencies*** may apply to the Division of Forestry for written approval to set fires under this subsection. Fires set under this subsection shall be in accordance with KRS 149.375. Persons who set such fires shall give written notification of the burn to the local Division of Forestry district office at least twenty-four (24) hours in advance and obtain the approval of the district office.

Approved March 12, 2003