

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 07 FORESTS AND PARKS

Chapter 04 Forest Fire Protection

Authority: Natural Resources Article, §§5-209 and 5-604,

Annotated Code of Maryland

01 Definitions.

In this chapter, the following terms have the meanings indicated:

- A. "Authorities having jurisdiction" means organizations, offices, or individuals responsible for enforcing requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.
- B. "Director" means the Director of the Department of Natural Resources — Forest Service, or the Director's authorized representative.
- C. "Disposal area" means any sanitary landfill or similar disposal facility, whether publicly or privately owned, that disposes of flammable material by open air burning.
- D. "Fireworks" means combustible, implosive, or explosive compositions, substances, combinations of substances, or articles that are prepared to produce a visible or audible effect by combustion, explosion, implosion, deflagration, or detonation.
- E. "Open air burning" means a fire where any material is burned in the open, except for small recreational fires such as campfires.
- F. "Prescribed burning" means the planned scientific application of fire with an intent to confine it to a predetermined area.

G. "Slash" means the residue accumulating or left on the ground as a result of felling, thinning, improvement cutting, weeding, cleaning, girdling, poisoning, or trimming of trees or other woody vegetation.

H. "Woodland" means a public or private area in any stage of growth of woody vegetation.

.02 Application.

A. This regulation applies to activities in woodland and within 200 feet of woodland, or activities adjacent to or within an area where flammable materials, that could ignite and carry fire to woodland, are located.

B. These regulations do not apply inside the limits of incorporated towns.

.03 Open Air Burning.

A. A person may not engage in open air burning except under the following conditions:

(1) There is a natural or constructed fire break at least 10 feet wide completely around the material to be burned that is free of flammable materials;

(2) Adequate personnel and equipment are present to prevent the fire from escaping;

(3) At least one responsible person remains at the location of the fire until the last spark is out; and

(4) Burning occurs between the hours of 4 p.m. and 12 midnight, except that when the ground is covered with snow the burning may occur at any time so long as all other requirements are met.

B. A person may engage in open air burning, or prescribed burning, which does not comply with A of this regulation, if the person has submitted a plan for that burning to the Department for review and the Department has issued a permit for that burning. The Director may require conditions in the permit which are more stringent or less stringent than the requirements in A of this regulation.

C. In addition to the conditions and requirements in A and B of this regulation, a person engaged in open air burning or prescribed burning shall comply with all other requirements of State and local authorities having jurisdiction.

.04 Disposal Areas.

A person may not dispose of flammable material in a disposal area by open air burning, unless there is a cleared strip, free of all flammable material, around the disposal area at least 100 feet wide measured horizontally, and unless a permit has been issued by the Director in accordance with Regulation .03 of this chapter.

.05 Slash Disposal.

A person may not conduct any operation which allows slash to remain within 50 feet, measured horizontally, from the ditch line on either side of any public highway.

.06 Litter.

A person may not deposit any refuse, debris, or other flammable material in woodland, or in an area of flammable material likely to carry fire to woodland, within 50 feet measured horizontally from the ditch line on either side of a public roadway.

.07 Spark Arrestors.

A person may not operate an internal combustion engine in woodland or in an area of flammable material likely to carry fire to woodland, unless equipped with a United States Forest Service approved spark arresting muffler in good operating condition.

.08 Fireworks.

A person may not detonate fireworks in woodland or in an area of flammable material likely to carry fire to woodland, unless there is a safety strip 10 feet wide and the fireworks are detonated less than 3 feet above the ground.

.09 Burning Ban.

Under prolonged or unusual conditions conducive to easy starting and spread of wildfire, the Director may declare a complete ban on all open air burning in woodland or in areas of flammable material likely to carry fire to woodland, through the state or in any specific area.

.10 Discarding Burning Material.

A person may not discard any burning object or material in woodland or in an area of flammable material likely to carry fire to woodland.

.11 Scope.

This regulation is in addition to and supplements all laws and regulations relating to open air burning.

.12 Maryland Forest Service Towers and Properties.

A. The Maryland Forest Service Towers and Properties system consists of the areas in §B of this regulation, as delineated on maps filed in the Office of the Secretary of Natural Resources.

B. Names and Locations of Maryland Forest Service Towers and Properties. The general locations of State-owned Maryland Forest Service towers and properties are as follows:

County Name of Tower or Property

(1) Allegany — Dan's Rock; Town Hill; Warrior Mountain;

(2) Anne Arundel — Long Hill Tower and Office;

(3) Baltimore — Cub Hill Tower and Office;

(4) Caroline — Interstate;

(5) Cecil — Black Hill Tower and Office; Pleasant Hill;

(6) Charles — Welcome;

(7) Dorchester — Church Creek Tower and Office;

(8) Harford — Madonna Tower and Office;

(9) Garrett — Elder Hill; High Rock; Thayerville;

(10) Frederick — Lamb's Knoll; High Knob;

(11) Somerset — Green Hill; Princess Anne Office;

(12) Washington — McClellan's Lookout;

(13) Wicomico — Powellville Tower and Office;

(14) Worcester — Nassawango Tower and Office.

C. A person may not trespass on Maryland Forest Service towers or properties.

Administrative History

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