



The South Carolina Forestry Commission has implemented the State Forester's Burning Ban for 20 counties most affected by Tropical Storm Helene. Many SCFC law enforcement officers and firefighters that typically enforce burning bans are mobilized on chainsaw teams or assisting with emergency response in other capacities. The intent of this burning ban is to ease the strain on firefighting and law enforcement personnel by reducing escaped fires and calls for service at a time when resources are already facing high call demand. Any assistance that can be provided to enforce this law during this time is greatly appreciated.

**SECTION 48-35-50.** State Forester may prohibit fires.

The State Forester may direct at any time, when deemed necessary in the interest of public safety, that fires covered by this chapter not be started. The State Forester also may prohibit all open burning regardless of whether a permit or notification is required, including campfires, bonfires, and other fires for recreational purposes. This prohibition shall not apply to fires used for nonrecreational purposes such as those for human warmth or for the preparation of food for immediate consumption.

- This law can be enforced by any state or county law enforcement officer.
- This law only applies to unincorporated parts of the state.
- This law does not apply to fires permitted by the SC Department of Environmental Services, including burning conducted at permitted storm debris disposal sites.
- This law does not apply to fires used for food preparation for immediate consumption, including gas and charcoal grills and does not apply to fires used for human warmth.
- This law does not apply to fires burned in portable outdoor fireplaces, or chimineas, or permanent fire pits constructed of stone, masonry, metal, or other noncombustible material as long as the area has been cleared around and has immediately available sufficient equipment and personnel to adequately secure the fire and prevent its spread. In general, they should stay with the fire until it is safe and have some means on hand to suppress the fire if it escapes. While these fires are exempt from the burn ban and the requirement to notify the SCFC, Reference Section 48-35-10 that addresses the proper precautions that must be in place.
- A person burning in a 55-gallon drum/barrel does not meet the requirements of this law and could still be charged under this statute.
- Violators of this law may be deemed guilty of a misdemeanor and, upon conviction, may be fined not more than \$200 or imprisoned for not more than 30 days for a 1<sup>st</sup> offense. 2<sup>nd</sup> and subsequent offense fined not less than \$500 or imprisoned for not more than 60 days, or both in the discretion of the court.
- "Subsequent offense", shall mean an offense committed within 10 years of a previous offense.

Like any other law to be enforced, officer discretion shall be used whether or not to write a ticket for any offenses that this law covers.

For any questions regarding the enforcement of this law, please contact SC Forestry Commission Assistant Law Enforcement Chief Jonathan Calore at 803-667-1200 or email [jcalore@scfc.gov](mailto:jcalore@scfc.gov).

Respectfully,

Thomas E. Mills  
Law Enforcement Chief  
South Carolina Forestry Commission