

The Division of Fire Safety has fielded several emails and calls over the last few days regarding the issuance of burn bans. **We wanted to take the opportunity to remind everyone of this process and also ask that you share this information with your county commissions, city administration, or other local governmental bodies that have the ability to institute an ordinance or order.** The process for these is a little different in each case.

For a **County Commission**, Section [49.266](#), RSMo, states a County Commission may enact a burn ban:

1. Upon a determination by the State Fire Marshal that a burn ban order is appropriate because:
 1. An actual or impending occurrence of a natural disaster of major proportions within the county jeopardizes the safety and welfare of the inhabitants of such county; and
 2. The [U.S. Drought Monitor](#) has designated the county as an area of severe, extreme, or exceptional drought, the county commission may adopt an order or ordinance issuing a burn ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for fire management or suppression activities and persons conducting agricultural burning using best management practices shall not be subject to the provisions of this subsection. The ability of an individual, organization, or corporation to sell fireworks shall not be affected by the issuance of a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other consumer fireworks as the term "consumer fireworks" is defined under section [320.106](#).
2. *(FYI: The US Drought Monitor is updated every Thursday morning. The Missouri map and data can be found [here](#).)*

Tax-Based Fire Protection Districts, as defined in section [321.010](#), RSMo, may consider enacting a burn ban under the powers of the board, pursuant to RSMo [321.220\(12\)](#).

Municipalities may consider enacting a burn ban under applicable laws, including their local charters and chapters 71 through 100, RSMo.

Volunteer Fire Protection Associations should work with their county commissioners to enact a burn ban on their behalf, pursuant to section 49.266, RSMo.

In ALL cases, the Division of Fire Safety recommends that you work closely with appropriate prosecuting attorneys so any ban is enforced and supported. If you have questions regarding your ability to enact a burn ban or the procedure to do so, we encourage you to contact your local counsel, such as your city attorney or prosecuting attorney.

ANY department may issue an advisory for general public awareness/education and make recommendations on open burning, fireworks, etc., when and how they see fit.

Please contact the Division of Fire Safety at firesafe@dfs.dps.mo.gov, if you have any questions or need additional guidance or a determination of whether a burn ban would be appropriate.