Protecting your house against forest fires

If you live in a rural area then your property maybe at risk should a forest fire start in the vicinity. The best way to protect against this is to clean your land to avoid a fire spreading to your property.

Decree-law 124/2006 of 28th June, amended by Decree Law 15/2009 of 14th January; 17/2009 of 14th January; 114/2001 of 30th November, and 83/2014 covers the following:

Dispositivo Escpecial de combat a incêndios florestais (DCEIF)

Under the DCEIF the following phases dictate the availability of resources throughout the year, in terms of the monitoring, standby and deployment in the fighting of forest fires. The phases also legislate when and when not fires can be lit, as well as access to forest areas.

- **Alfa** 1st January and 14th May
- **Bravo** 15th May and 30th June
- **Charlie** 1st July and 30th September – The Critical Fire Period
- **Delta** 1st and 30th October
- **Echo** 1st November to 31st December

Please note these dates are flexible depending on weather conditions. In 2017 for instance Charlie phase began on 22nd June.

General laws concerning prohibition of fires

The general law concerning the use of fire in rural areas is as follows:

During the critical fire period or at any other time when the fire risk is “very high” or “extreme” it is forbidden to:

- Carry out burning using fire to clear debris, branches, piles of wood etc. which has cut and heaped together – known as “Queima”
- Light bonfires (camp fires) for pleasure or leisure; · Use of fuel, matches, gas or other dangerous materials for lighting or meal preparation;
- Launch rockets or any kind of lighted balloons (the law also mentions smoking, beekeeping and fumigators)
- The use of machinery and equipment without any form of heat or spark’s retention.
Pasture renewal burning

In addition during the Critical Fire Period or at any other time when the fire risk is “High” or above it is forbidden to use fire for pasture renewal and stubble elimination, and to eliminate forestry activity debris on not heaped – known as “Queimada”.

Land cleaning (Fuel management)

Cleaning or what government refers to as “Fuel management” should be conducted around the following:

- Roads and access routes including private ones
- Dwellings (isolated or in a group)
- Warehouses and workshops
- Campsites and landfills
- Factories and industrial buildings
- Other buildings such as schools, health centres, hospitals, nursing homes etc.

The basic measures to ensure compliance with the law are as follows:

- **Knowing the problem** - Managing fuel (items that are inflammable such as bushes trees etc.), in other words, knowing and managing the environment in the surrounding area - is the best way to protect your house.
• **Define the Protection area.** A minimum range of **50 meters** for isolated buildings, factories, warehouses, reduces the chances of a fire getting near your property.

• For population clusters such as groups of houses (condominiums for example), campsites, industrial parks, landfills, **100 meters**

• **Reducing the most flammable vegetation.** Give priority to a **10 meter** watering area around the property avoiding the planting of inflammable vegetation.

• **Thinning and pruning.** It is important this is done regularly giving priority to weak or ill trees.

• **Keep the surrounding area cleaned.** Do not keep firewood, forest or agricultural debris, or any type of inflammable material within a **50 meter** distance to the property, except when kept in separate buildings.

• **Non-flammable pavement area.** Keep an area of between 1 and 2 meters of pavement around the building, if possible. These should be made of crushed stone, course stones, cement etc. around the entire building

• **Unobstructed access.** Make a protection area of **10 meters** on the vehicular access side of the property so that large emergency vehicles can manoeuvre,

• **Clean the roof and other structures of the house.** Remove dried grass, dead leaves, pine needles, tree branches and moss from the roofing gutters, eaves and in wooden decking. Bushes must be at least 5 meters away from the building and must never extend over the roof.

• **Safety in your house.** Place a net for the retention of sparks in the chimney and close any gaps where sparks may enter the interior of your home.

• **Be prepared in case of fire –** Store shovels, rakes and hoses in an easily accessible location

Owners, tenants, users or other entities that have properties within the **50 meters** range are responsible for fuel management.

**Other distances:**

• The distance from the tops of trees to the outside house walls must not be less than **5 meters**

• The distance between the trees measured from the branches themselves (not the trunks) should not be less than **4 meters**.

• For population clusters such as groups of houses (condominiums for example), campsites, industrial parks, landfills, **100 meters**

• Accesses, and roads **10 meters** to be cleared either side,

• For railways, transmission and distribution lines of electricity in high and very high tensions: 10 meters for each side: transmission and distribution lines of electricity in medium tension – **7 meters** each side.

**Obligation**

The obligation falls on whoever is responsible for cleaning these areas for instance EDP etc.

Clearly the management of the 50 -100 meters protection range could be a joint responsibility between you and your neighbours. It is important therefore to discuss this with them and work out a division of responsibility.

The whole legislation applies to forest trees, such as pines, eucalyptus, cork trees, oaks etc, this legislation does not apply to species of the agricultural type, such as vineyards and olive trees.
The fines

It is also important to note that the management of these areas is enforceable by law and there are heavy fines for non-compliance. For a single taxpayer these range from €140 to €5000 and for collective taxpayers from €800 to €60,000.

Lighting fires to clean land

If you intend to clean your land by burning (lighting a fire) it is important to contact the local Bombeiros to check first that the conditions are acceptable and whether any special conditions apply. Remember when the fire risk is “Very High” or “Extreme” (or High” in the case of pasture renewal burning) and during the Critical Fire Period” normally 1st July to 30th September no burning is permitted.

When managing the vegetation, avoid:

- The hottest days and hours of higher temperatures.
- The contact of skimmers and bush-cutters with stones or metal blades on the ground.

ANPC Recommendations

In addition the National Civil Protection Authority recommends:

- Learn and teach fire safety practices;
- Always have a means to immediately and completely extinguishing the start of a fire (extinguisher, hoses, hoes, shovels, etc.);
- Use fire-resistant materials in the construction or renovation of your dwellings;
- Plant trees that can contribute to the easier containment of a fire line;
- Store combustible materials in safe areas outside your home;
- Make evacuation plans of your house asking for the collaboration of the neighbours;
- Plan to use alternative roads to escape danger zones.

Use of BBQs

According to the ANPC, the use of BBQs, IS ALLOWED (i.e. NOT PROHIBITED) at private houses (terraces/patios) and gardens of houses, during the Critical Fire period and when the fire risk is “Very High” or “Extreme”.

However, if this activity results in a fire, the person that caused the fire is "criminally liable" through negligence.

ANPC advice is to be very careful about weather conditions (temperature, humidity and especially the wind) as well as the vegetation around the BBQ (trees, trash, etc.) Be particularly careful during the critical period season. They add it is a good idea to have a water hose near.

Non-compliance with fuel management – Rights of neighbours
The law concerning this is in Decree law 124/2006 - 28th June - Section II - "Life and Property Defence - Secondary Network of Fuel management tracks" i.e. cleaning land. Article 15 provisions 2-5 as follows apply:

"2. Owners, tenants, users or entities that hold any title to land adjoining buildings, namely homes, workshops, yards, warehouses, factories and other equipment are required to carry out the fuel management (land cleaning) within a range of 50m around those buildings or facilities measured from the outside of the building wall, in accordance with standards listed in the annex of the present law decree that it is an integral part.

3. In the event of non-compliance with the provisions of the preceding paragraphs (in Article 15) the local council notifies the entities responsible for the work.

4. Once the non-compliance is verified, the local council can perform the fuel management work with a provision of reimbursement, therefore triggering the necessary mechanisms for reimbursement of the expenditure incurred.

5. In the absence of intervention, and in accordance with the provisions of the preceding paragraphs, between the 15th April each year and until October 30th, the owners and other entities who hold a title for any administration of housing, yards, warehouses, workshops, factories and other social services and equipment can replace the owners and other forest producers by fuel management provided for in the preceding paragraph, by notifying the owners (defaulters) and, in the absence of a reply in 10 days, by displaying a notice at the work site, within a period of not less than 20 days.

6. In the case of non-compliance, the owners and the other forest producers are obliged to allow access of the owners or managers of the neighbouring buildings, to their land and to compensate them for any expenses incurred in the fuel management."

If the defaulter fails to compensate the injured party, all materials removed remain the property of the defaulter. However the injured party may sell the materials, only returning the value to the defaulter, when he compensates the injured party for the expenses resulting from the fuel management work.

Making Complaints of Non-compliance

It is important in the event of non-compliance that action is taken, to reduce the risk of a fire spreading. Complaints should be made to the GNR in the area of your residence or though the GNR website www.gnr.pt. Reports can be made directly to the GNR SEPNA Environment and Nature Protection Bureau at 808 200 520.

To help deal with the complaint it is best to send geo-referencing points and photographs.

Complaints can be made unanimously to the GNR SEPNA using their on-line reporting system

Access to, circulating and staying in Forest areas

When the fire risk is “very high” or “extreme” or during the Critical Fire period people and vehicles are prohibited from entering, circulating or staying in the following areas:

- Zones considered as critical
- Areas subject to forest regime and areas under State Management
- In areas where there notices indicating the limitation of activities.
The above areas include forest paths, rural roads, and other routes that cross them.

If the fire risk is “High”, it is prohibited to work in any of the areas mentioned above with machinery without spark arresting devices or flaring prevention devices in exhaust pipes and chimneys, or without fire extinguishers. It is also prohibited to undertake any activities not related to forestry and agricultural activities as well as use motorized vehicles in the forest paths, rural roads and other routes that cross them.

Exceptions

The exceptions to the above during these periods are as follows:

- Accessing, circulating and remaining within these areas for residents, forest owners and producers and those who work there;
- The movement of people within these areas who have no alternative access to their homes or place of work;
- The exercise of activities within these areas which lack periodic monitoring (e.g. maintenance of electricity cables and poles).
- The use of recreational and recreational parks when properly equipped for this purpose (e.g. biological parks, mountain bike centres, adventure parks etc);
- Road traffic on highways, main routes (IP), complimentary routes (IC), national roads (EN) and regional roads (ER);
- Circulation on municipal roads for which there is no alternative with an equivalent route;
- The access, movement, and remaining within the above zones of the agents and means of civil protection (fire services, GNR etc) or military means resulting from an intrinsically military mission.

All these norms of access, circulation and permanence do not apply to:

- Urban and industrial areas;
- Access to any concessioned river and sea beaches;
- Means of prevention, surveillance, detection, first intervention, and firefighting (e.g. forest fire lookouts and forest foremen);
- To rural (forest) buildings subject to the policing and inspection of activities developed there, such as hunting, and, by virtue of their submission to the special hunting regime, when not included in critical areas
- For the execution of work of public interest, whenever it is recognized as such;
- For the circulation of emergency vehicles when responding to emergencies;
- Areas under military jurisdiction.

References

Decree-law 124/2006 of 28th June

Safe Communities Portugal newsletter April 2017

Safe Communities Portugal – Forest fire protection

Non-compliance with fuel management (cleaning of land) provisions - rights of neighbours

National Civil Protection Authority – Prevention and Protection Forest Fires