

DRAFT CSC, Title 22. Environmental Protection & Preservation

CHAPTER 4 Fire Control

[§ 1401.](#) Fires to clear land; permission required.

[§ 1402.](#) Same; penalties.

§ 1401. Fires to clear land; permission required.

No fires to clear land, including the burning of stumps, logs, brush, dry grass or fallen timber, shall be started without the prior written permission of the Governor ~~district administrator~~ or his authorized representative. Whether authorized by permit or not, no fires shall be started during a heavy wind or without sufficient help present to control the same, and the fire shall be watched by the person setting it, or by his competent agents, until put out.

Source: (Code 1966, § 765; Code 1970, tit. 63, § 451.) 63 TTC 6 § 451, modified.

§ 1402. Same; penalties.

(1) A person who, without proper and valid authorization sets any fire in violation of the provisions of Section 1401 ~~451~~ of this chapter shall be guilty of a misdemeanor, and liable to be fined up to one hundred dollars, or imprisoned not more than one month, or both.

(2) A person who, without proper and valid authorization,

(a) wilfully, maliciously, or negligently sets on fire or causes to be set on fire any woods, brush, prairies, grass, grain or stubble on any lands not owned, leased or controlled by him, or

(b) wilfully, maliciously, or negligently allows a fire to escape from land owned, leased, or controlled by him whereby any property of another is injured or destroyed, or

(c) accidentally sets or causes to be set any fire on land not owned, leased or controlled by him or sets or causes to be set any fire on land owned, leased or controlled by him which spreads to the land of another, and allows such fire to escape from his control without using every effort to extinguish it, shall be deemed guilty of a misdemeanor and liable to be fined not more than one hundred dollars, or imprisoned for a period of not more than six months, or both.

(3) Setting such fires or causing or permitting them to be set or allowing them to escape shall be prima facie proof of wilfulness, malice, or negligence under this section; provided, that nothing herein contained shall apply to a person who in good faith sets a backfire to check a fire already burning; provided further, that nothing in this Chapter shall be construed to prohibit the use of food, brush, grass, or other vegetable fuels in properly set and controlled cooking, heating or industrial fires.

Source: (Code 1966, § 766; Code 1970, tit. 63, § 452; P.L. No. 4C-16, § 1.) 63 TTC 5 § 452, modified.