

## Oklahoma Forestry Code Statutes

### Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code, Section 16-24.1 - Burn Ban

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A. It shall be lawful for an owner of croplands, rangelands, grasslands, forestlands, or other wild lands to set the croplands, rangelands, grasslands, forestlands, or other wild lands on fire for the purposes of:

1. Managing and manipulating plant species present whether grass, weeds, brush, or trees; and
2. Destroying detrimental or unwanted plants, plant parts, shrubs or trees on the croplands, rangelands, grasslands, forestlands, or other wild lands; and
3. Cedar tree eradication.

B. The provisions of this section shall not be construed to exempt or release a person from civil liability for damages or injury incurred as a result of the burn or for criminal liability as imposed pursuant to the Oklahoma Forestry Code.

### Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code, Section 16-25 - Unlawful Burning

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A. It is unlawful for any person to carelessly or willfully burn or cause to be burned or to set fire to or cause any fire to be set to any forest, grass, crops, rangeland, or other wild lands not owned by, duly authorized by the owner or manager, or in the lawful possession of, the person setting the fire or burning the lands or causing the fire to be burned.

B. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than one (1) year, or both. Any person who willfully violates this section is guilty of a felony punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), by imprisonment for not more than three (3) years, or by both.

C. Any person who carelessly or willfully burns, causes to be burned, sets fire, or causes fire to be set, any forest, grass, croplands, or woodlands not owned by, duly authorized by the owner or manager, or in lawful possession of, shall be liable in a civil action to any person injured or damaged by a fire to the amount of the injury or damages.

### Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code, Section 16-26 - Emergency Drought Conditions - Burning Prohibited - Proclamation - Notice

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A. 1. It is unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county, counties or area within a county where, because of emergency drought conditions, there is gubernatorially proclaimed extraordinary danger from fire, unless the setting of any backfire during the drought emergency is necessary to afford protection as determined by a representative of the Division of Forestry, or unless it can be established that the setting of the backfire was necessary for the purpose of saving life or property. The burden of proving the necessity shall rest on the person claiming a defense.

2. The Division of Forestry shall advise the Governor when the lands described in paragraph 1 of this subsection in any county, counties or area within a county of this state because of emergency drought conditions are in extraordinary danger from fire. The Governor may by proclamation declare a drought emergency to exist and describe the general boundaries of the area affected.

3. Any proclamation promulgated by the Governor under authority of this subsection shall be effective immediately upon the Governor's signed approval of the emergency proclamation and shall supersede any resolution passed by a board of county commissioners pursuant to subsection B of this section. Notice of the proclamation shall occur through posting on the Oklahoma Department of Agriculture, Food, and Forestry's website and informing local news media. Evidence of publication or posting as herein provided shall be maintained by the Forestry Division.

4. When conditions warrant, due notice of the termination of the emergency shall be promptly made by proclamation, which shall be published or posted in like manner as when officially declared.

5. Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), by imprisonment for not more than one (1) year, or both.

B. 1. It is unlawful for any person to set fire to any forest, grass, range, crop or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county of this state in which the board of county commissioners of the county has passed a resolution declaring a period of extreme fire danger. As used in this subsection, "extreme fire danger" means:

a. all three of the following conditions are present:

(1) severe, extreme, or exceptional drought conditions exist as determined by the National Oceanic and Atmospheric Administration (NOAA) pursuant to its criteria,

(2) no more than one-half (1/2) inch of precipitation is forecast for the next three (3) days, and

(3) either of the following:

(a) fire occurrence is significantly greater than normal for the season and/or initial attack on a significant number of wildland fires has been unsuccessful due to extreme fire behavior, or

(b) where data is available, more than twenty percent (20%) of the wildfires in the county have been caused by escaped debris or controlled burning, or

b. temperatures for any day over the next three (3) days are forecasted at or over one hundred (100) degrees Fahrenheit.

2. A majority of the board of county commissioners may call an emergency meeting at any time to pass or revoke a resolution declaring a period of extreme fire danger in accordance with this section.

3. A board of county commissioners shall have the documented concurrence of a majority of the chiefs, or their designees, of the municipal and certified rural fire departments located in the county that a period of extreme fire danger exists prior to passage of a resolution declaring a period of extreme fire danger in the county. The resolution shall be effective for a period not to exceed fourteen (14) days from the date of passage by the board of county commissioners, unless the burn ban is removed earlier by the same method by which it was approved. If extreme fire danger conditions persist, subsequent resolutions may be passed by the board of county commissioners in the same manner as provided in this paragraph. The board of county commissioners, in the resolution, may grant exceptions to the fire prohibition based on appropriate precautionary measures.

4. Agricultural producers burning cropland, rangeland, forests or pastures as a preferred method of managing their property shall be exempt from any resolution passed by a board of county commissioners that declares a period of extreme fire danger so long as the agricultural producers have complied with the following procedures:

a. submit a written prescribed burn plan to the local fire department and, if within a protection area, the local office or local representative of the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry nearest the land to be burned that shall include the following information:

(1) the name and telephone number of the agricultural producer conducting the burn,

(2) the address and legal description of the area to be burned,

(3) the objective and purpose of the burn,

(4) a list of fire departments and sheriff's offices that are required to be notified pursuant to subparagraph c of this paragraph,

(5) a list of adjoining landowners required to be notified pursuant to Section 16-28.2 of this title,

(6) a description of any firebreaks used to define the boundary of the prescribed burn,

(7) a statement of prescribed weather conditions,

(8) a description of any smoke-management considerations, and

(9) an ignition plan for the burn,

b. keep a copy of the written prescribed burn plan provided for in subparagraph a of this paragraph on site when conducting the prescribed burn,

c. notify the county sheriff and the dispatch center of the local fire department prior to conducting the prescribed burn, and

d. comply with the notification procedures outlined in Section 16-28.2 of this title.

5. The prescribed burn plan provided for in paragraph 4 of this subsection shall be deemed approved seventy-two (72) hours after submission to the local fire department; provided, that the local fire department may amend the submitted burn plan within seventy-two (72) hours after submission.

6. The prescribed burn plan provided for in paragraph 4 of this subsection shall not include campfires, household trash, debris or pile burning.

7. Nothing in paragraph 4 of this subsection shall supersede requirements set by a proclamation promulgated by the Governor under authority of this section, interfere with the authority of the Oklahoma Department of Agriculture, Food, and Forestry to enforce burning laws or change the burner's liability as prescribed by law.

8. Any resolution passed by a board of county commissioners under authority of this subsection shall be effective immediately upon passage of the resolution. Notice of the resolution shall be submitted to the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry, all local news media, local law enforcement officials, and the state headquarters of the Department of Public Safety, the Oklahoma Tourism and Recreation Department and the Department of Wildlife Conservation on the day of passage of the resolution. Evidence of publication or posting as provided in this paragraph shall be maintained by the county.

9. The provisions of this subsection may be enforced by any law enforcement officer of this state.

10. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), to imprisonment for not more than one (1) year, or to both such fine and imprisonment.

11. The selling of fireworks shall not be considered an act in violation of this subsection.

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**Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code, Section 16-27 - Camp Fires**

It is unlawful for any person to willfully, negligently, or carelessly build a warming or camp fire and leave the fire unextinguished or allow the fire to spread. Any person who violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than one (1) year, or both.

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**Title 2. Agriculture, Section 16-28.1 - Unlawful Burning of Forest, Grass, Croplands, Rangeland, or Other Wild Lands by Owner - Exceptions - Penalties**

A. It is unlawful for any person either willfully or carelessly to burn, cause to be burned, to set fire to, or cause fire to be set to any forest, grass, croplands, rangeland, or other wild lands, by an owner of such property, except under the following circumstances:

1. In protection areas, notification to burn shall be made by the owner to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained. In addition to the notification requirements of this paragraph, any owner conducting a limited liability burn in a protected area shall comply with the provisions of Section 16-28.2 of Title 2 of the Oklahoma Statutes; or

2. Outside protection areas, in order for prescribed or controlled burning to be lawful, an owner shall take reasonable precaution against the spreading of fire to other lands by providing adequate firelines, manpower, and fire fighting equipment for the control of the fire, shall watch over the fire until it is extinguished and shall not permit fire to escape to adjoining land.

B. Nothing in this section shall relieve the person from the obligation to confine the fire to the owner's, agent's, or tenant's land.

C. The Oklahoma Forestry Code shall not apply to trimming or cutting of trees by public or private utilities for the purpose of eliminating interference with utility lines, poles, or other utility equipment.

D. 1. Except as otherwise provided by Section 16-28.2 of this title, any person:

a. who, whether by accident, neglect or intent, causes or allows damage or injury to occur to any ranch, buildings, improvements, hay, grass, crops, fencings, timber, marsh, or other property of another person by any fire described and conducted pursuant to this section, shall be civilly responsible for such damage or injury so caused pursuant to Section 16-30 of Title 2 of the Oklahoma Statutes, and

b. who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than one (1) year, or both.

2. In addition to civil liability, any person who willfully violates this section is guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00), by imprisonment for not more than three (3) years, or by both.

E. Fire set under the provisions of this section shall not be allowed to spread beyond the control of the person setting the fire and shall be subdued and extinguished.

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**Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code, Section 16-28.2 - Requirements for Prescribed Burning**

A. 1. The provisions of this section apply to a prescribed burn.

2. Any owner wishing to set fire to land in order to conduct a prescribed burn shall comply with the provisions of this section.

B. 1. Within sixty (60) days prior to conducting a prescribed burn, the owner of land to be burned shall orally or in writing notify all landowners whose lands adjoin the owner's land to be burned.

2. If any landowner is burning on a large, consolidated tract of land in which there are multiple adjacent owners, only those owners with adjoining land within one (1) mile of the proposed burn area must be notified.

3. The owner shall include in the written notice or shall orally notify the adjoining landowners of the proposed date and location of the burn and a telephone number where the owner can be reached for information regarding the prescribed burn.

C. In addition to notification of adjoining property owners pursuant to subsection B of this section, the owner of the land to be burned shall complete the prescribed burn notification plan specified in subsection

D of this section and shall submit such plan to the rural fire department nearest the land to be burned. If the land to be burned is in a protection area, the owner shall also submit a copy of the notification plan to the local office or local representative of the Forestry Division nearest to the land to be burned.

D. Any person wishing to conduct a prescribed burn shall complete this form, distributed by the Oklahoma Department of Agriculture, Food, and Forestry, which shall be in substantially the following form:

**PRESCRIBED BURN NOTIFICATION PLAN**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ County \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Ranch name, if any \_\_\_\_\_

Area to be burned \_\_\_\_\_

Approximate acres to be burned \_\_\_\_\_

Written distance description of location \_\_\_\_\_

Projected time frame \_\_\_\_\_

Date of previous burn \_\_\_\_\_

Objectives to be accomplished through the prescribed burn: \_\_\_\_\_

Contact information: \_\_\_\_\_

Rural Fire Department: Name: \_\_\_\_\_ Location: \_\_\_\_\_ Phone No. \_\_\_\_\_

Forestry District Office (for protection areas) \_\_\_\_\_

Adjoining landowners: \_\_\_\_\_

The original copy of the form must be filed with the rural fire department nearest to the land to be burned. If conducting a prescribed burn within a protection area, a copy of the prescribed burn notification plan must be filed with the local office or local representative of the Forestry Division nearest to the land to be burned. A copy of the plan shall be retained by the owner of the land to be burned.

E. 1. Whether the land is located within or outside a protection area, the owner of land to be burned shall, within forty-eight (48) hours of conducting a prescribed burn, notify the rural fire department receiving a copy of the prescribed burn notification plan that the prescribed burn will be conducted.

2. Within a protection area, the owner of land to be burned shall also, within the time period required by Section 7 of this act, notify the local office or local representative of the Forestry Division receiving a copy of the prescribed burn notification plan.

F. A prescribed burn conducted pursuant to provisions of this section shall:

1. Be considered in the public interest and shall not constitute a public or private nuisance; and
2. Be considered a property right of the property owner if vegetative fuels are used.

G. 1. Any owner conducting a prescribed burn who is found by a court of law to have caused damages or injury as a result of accident or by ordinary negligence shall only be civilly liable for actual damages resulting from the prescribed burn.

2. Any owner conducting a prescribed burn who is found by a court of law to have committed gross negligence in conducting the prescribed burn may be found to be both civilly liable for the amount of damage done by the fire, and criminally liable pursuant to paragraph 3 of this subsection.

3. Any owner setting or causing to be set on fire land as authorized by this section, and as a result of gross negligence permitting the fire to spread beyond the control of the owner or beyond the bounds of the owner's land, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined a sum not more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for a period not more than six (6) months.

**Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code, Section 16-32 - Liability for Costs of Suppressing Fires**

Whoever willfully or carelessly shall cause an unlawful forest, grass, crops, or woods fire shall, in addition to all other penalties provided by law, be liable for payment of all reasonable costs and expenses incurred in suppressing the fire. The costs and expenses shall be payable to the Forestry Division or other governmental units, who shall, in the case of cooperating persons, disburse the funds in proportionate share based on standard suppression costs. When the costs and expenses are not paid within ninety (90) days after written notice of demand, it shall be the duty of the district attorney having jurisdiction to take proper legal proceedings for collection. The liability for costs of suppression shall exist whether there is criminal prosecution or not and the liability shall extend to the person or persons causing, directing, or permitting the activity as well as to the actual violator.

**Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code,  
Section 16-33 - Penalty for Mutilating or Destroying State Forestry or Fire Control Signs and  
Posters**

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Whoever intentionally breaks down, mutilates, removes, or destroys any fire control or forestry sign or poster of the Division of Forestry erected in the administration of its lawful duties and authorities shall be guilty of a misdemeanor and shall be subject to imprisonment not exceeding three (3) months, by fine not exceeding Two Hundred Dollars (\$200.00), or by both.

**Title 2. Agriculture, Chapter 1 - Agricultural Code, Article 16 - Oklahoma Forestry Code,  
Section 16-34 - Illegal Possession of Incendiary Device**

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A. Any person possessing any incendiary device as defined by subsection B of this section with the intent to use the device for the purpose of burning or setting fire to any forest, grass, crops, or woodlands that the person possessing that device is not the owner of nor in possession of lawfully, as under a lease, shall be guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00), by imprisonment for not more than three (3) years, or by both.

B. The term "incendiary device" as used in this section includes, but is not limited to, any "slow match" which is any device contrived to accomplish the delayed ignition of a match or matches or other flammable material by the use of a cigarette, rope, or candle to which the match or matches are attached, or a magnifying glass focused to intensify heat on flammable material and cause a fire to start at a subsequent time, or any chemicals, chemically treated paper or material, or other combustible material arranged or designed to make possible its use as a delayed firing device.

**Title 2. Agriculture, §2-16-6. Interfering with, molesting or assaulting firefighters - Penalty.**

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Any person or persons acting in concert who knowingly and willfully interfere with, molest, or assault forest rangers or firefighters in the performance of their duties, or who knowingly and willfully obstruct, interfere with, or impede the progress of forest rangers or firefighters to reach the destination of a fire, or who damage or destroy any vehicles or equipment used to reach or extinguish a fire shall be guilty of a felony.

## Oklahoma DEQ Statutes

### Title 27A. Environment and Natural Resources, Chapter 2 - Oklahoma Environmental Quality Code, Article V - Oklahoma Clean Air Act, Section 2-5-106.1 - Open Burning for Fire Training - Notice, Debris Disposal, Other Requirements

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- A. For purposes of this section, "open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.
- B. A municipal fire department may engage in controlled open burning of a structure for purposes of fire training if the records of the department document the purpose of the open burn and the following conditions are met:
1. The municipal fire chief or designee shall provide notification of the planned open burn to the Department of Environmental Quality at least ten (10) days prior to the burning. The notification shall be on a form developed by the Department, document that the provisions of this section are satisfied and be signed by the municipal fire chief;
  2. For any human-made structure, the entire structure, including, but not limited to, insulation, roofing, flooring, painted surfaces and plumbing, shall be examined for the presence of asphalt, asbestos and lead-containing materials. All asphalt, asbestos and lead-containing materials shall be removed from the structure prior to the fire training. Asbestos inspection and removal shall be conducted according to the requirements of federal law;
  3. Any human-made structure demolished pursuant to the provisions of this act shall not be demolished prior to the fire training. Demolition shall not include structural deterioration due to natural causes;
  4. Prior to conducting any fire training involving a human-made structure located within three hundred (300) feet of another human-made structure, the municipality shall notify in writing the owners of the property located within three hundred (300) feet within ten (10) days prior to a meeting of the governing body of the municipality to provide an opportunity for public comment; and
  5. Following the completion of fire training, all debris resulting from the training must be disposed of in the appropriate manner.
- C. The Board of Environmental Quality shall have the authority to promulgate rules as may be necessary to implement the purposes of this section.

Oklahoma Administrative Code. Title 252. Department of Environmental Quality, Chapter 100. Air Pollution Control (OAC 252:100), SUBCHAPTER 13. OPEN BURNING

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#### **252:100-13-1. Purpose**

The purpose of this Subchapter is to control the open burning of refuse and other combustible materials.

#### **252:100-13-2. Definitions**

"Air curtain incinerator," "air curtain destructor," or "open pit incinerator" means an incineration unit operating by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs.

"Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote, or manufactured wood products that contain adhesives or resins (e.g., plywood, particle board, flake board, and oriented strand board).

"Combustible materials" means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.

"Domestic refuse" means combustible materials or refuse that normally result from the function of life at a residence, such as kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. It does not include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances.

"Fire training" means a fire purposely set as part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment, which is part of a recognized training program.

"Human-made structure" means any structure constructed with the intent of providing shelter to persons or property. It does not include structures constructed specifically for live-burn fire training purposes.

"Land clearing operation" means the uprooting, cutting, or clearing of vegetation in preparation for the construction of buildings, the development of residential, commercial, agricultural, or industrial properties, and for the construction and maintenance of right-of-ways. It does not include the clearing of vegetation

such as trimmings, fallen limbs, branches, or leaves, or other wastes from routine property maintenance activities, or the removal or destruction of human-made structures.

"Metropolitan Statistical Area" or "MSA" means a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with that core, as defined by the federal Office of Management and Budget.

"Open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

"Ozone Watch" means an announcement by the DEO that the ozone concentrations in the watch area are forecasted to exceed the National Ambient Air Quality Standard. The Ozone Watch applies to the day following the announcement.

"Particulate Matter Watch," or "PM Watch" means an announcement by the DEO that the particulate matter concentrations in the watch area are forecasted to exceed the National Ambient Air Quality Standard. The PM Watch applies to the day following the announcement.

"Products of combustion" means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible materials.

"Refuse" means garbage, rubbish, domestic refuse and all other wastes generated by a trade, business, industry, building operation, or household.

"Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include: (A) Grass, grass clippings, bushes, shrubs and clippings from bushes and shrubs from residential, commercial/retail institutional, or industrial sources as part of maintaining yards or other private or public lands. (B) Construction, renovation, or demolition wastes. (C) Clean lumber. (D) Treated wood and treated wood products, including wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote, or manufactured wood products that contain adhesives or resins (e.g., plywood, particle board, flake board, and oriented strand board).

"Yard brush" means cut or broken branches, leaves, limbs, shrubbery, or tree trimmings. It does not include refuse, grass clippings, in-ground tree stumps, or any non-vegetative material.

#### **252:100-13-5. Open burning prohibited,**

The open burning of refuse and combustible materials is prohibited unless conducted in strict accordance with the conditions and requirements contained in 252:100-13-7 and 252:100-13-9. Under no circumstances shall the open burning of tires be allowed.

#### **252:100-13-7. Allowed open burning**

When not prohibited by law or ordinance, the following types of burning are allowed, provided the conditions and requirements in OAC 252:100-13-9 have been met:

(1) Fire training. Open burning of human-made structures for the purpose of municipal fire department training is allowed as provided for in the Oklahoma Clean Air Act, 27A O.S., Section 2-5-106.1. Industrial and commercial facilities and fire training schools may conduct on-site live burn fire training.

(2) Elimination of hazards. Provided prior authorization is obtained from the local fire chief, open burning is allowed for the elimination of: (A) A fire hazard that cannot be abated by any other means. (B) A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal, if authorization is also received from the DEQ prior to such burning.

(3) Recreational and ceremonial fires. Open burning is allowed for camp fires and other fires used solely for recreational purposes, ceremonial occasions, or non-commercial preparation of food.

(4) Land management and land clearing operations. Open burning is allowed for the following land management and land clearing operations: (A) Fires purposely set to forest, crop, or range lands for a specific reason in the management of forests, crops, or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma Department of Agriculture, Food, and Forestry, and the United States Forest Service. (B) Fires purposely set for land clearing operations if conducted at least 500 feet upwind of any occupied residence other than those located on the property on which the burning is conducted. Such burning shall be conducted using an air curtain incinerator in counties or areas that are or have been designated nonattainment, or in the two MSAs with a population of greater than nine hundred thousand. The Oklahoma City MSA consists of Canadian, Cleveland, Grady, Lincoln, Logan, McClain, and Oklahoma Counties. The Tulsa MSA consists of Creek, Okmulgee, Osage, Pawnee, Rogers, Tulsa, and Wagoner Counties.

(5) Burning of domestic refuse. Where no collection and disposal service is reasonably available, domestic refuse may be burned on the property where the waste is generated.

(6) **Hydrocarbon burning.** Open burning of hydrocarbons is allowed for: (A) The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining, or processing operations which cannot be feasibly recovered or otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning. (B) The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.

(7) Yard brush. Yard brush may be burned on the property where the waste is generated.

**252:100-13-8. Use of air curtain incinerators**

Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Chapter may be burned in an air curtain incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of an air curtain incinerator shall not accept any material owned by other persons and shall not transport any material to the property where the air curtain incinerator is located in order to burn the material, except as provided in OAC 252:100-13-8(1). (1) The owner or operator of the air curtain incinerator may accept and/or transport: (A) 100 percent wood waste. (B) 100 percent clean lumber, or (C) 100 percent mixture of wood waste and clean lumber. (2) In addition to the requirements in this subchapter, the owner or operator of the air curtain incinerator must comply with the requirements of OAC 252:100-17 and 40 CFR Part 60.

**252:100-13-9. General conditions and requirements for allowed open burning**

The open burning of refuse and other combustible material may be conducted only if the following conditions and requirements are met:

(1) No public nuisance is or will be created.

(2) The burning is controlled so that a visibility hazard is not created on any roadway, rail track or air field as a result of the air contaminants being emitted.

(3) The burning is conducted so that the contaminants do not adversely affect the ambient air quality of a city or town.

(4) The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits. This requirement does not apply to the open burning allowed under OAC 252:100-13-7(2), (3), (4)(A), (6)(B), and 252:100-13-8.

(5) An Ozone or PM Watch has not been declared for the day of the burn for the MSA or county in which the burn is to be performed. This requirement does not apply to the open burning allowed under 252:100-13-7(2), (3), and (6)(B).

**252:100-13-10. Disaster relief**

Notwithstanding the prohibition in 252:100-13-5, the Executive Director of the DEQ may allow the open burning of debris resulting from a disaster if the Director determines such burning is necessary to protect public health and safety. Such approval, if granted, shall be accompanied by appropriate guidelines for burning the debris.

**252:100-13-11. Responsibility for consequences of open burning**

Persons who conduct open burning in accordance with the provisions of this Subchapter are not exempt or excused from the consequences, damages, or injuries that may result from such conduct, nor are they exempt or excused from complying with all applicable laws, ordinances, rules, and orders.



## International Fire Code, 2021

### SECTION 307

#### OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

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**307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

**307.1.1 Prohibited open burning.** Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. **Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

**307.2 Permit required.** A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

**307.2.1 Authorization.** Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

**307.3 Extinguishment authority.** Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

**307.4 Location.** The location for *open burning* shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure. **Exceptions:** 1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure. 2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

**307.4.2 Recreational fires.** *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

**307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material. **Exception:** Portable outdoor fireplaces used at one and two-family *dwellings*.

**307.5 Attendance.** *Open burning*, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

## **Oklahoma Arson and other Associated Statutes**

### **Title 21. Crimes and Punishments, Chapter 56 – Arson, Section 1401 - Arson in the First Degree - Punishment**

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A. Any person who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition device, heat-producing device or substance, destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or structure or contents thereof, inhabited or occupied by one or more persons, whether the property of that person or another, or who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition device, heat-producing device or substance causes a person to be burned, or aids, counsels or procures the burning of a person shall, upon conviction, be guilty of arson in the first degree, which is a felony, and shall be punished by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or by imprisonment in the custody of the Department of Corrections for not more than thirty-five (35) years, or by both such fine and imprisonment.

B. Any person who, while manufacturing, attempting to manufacture or endeavoring to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes, destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or contents thereof, inhabited or occupied by one or more persons whether the property of that person or another, or who while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes causes a person to be burned, or aids, counsels or procures the burning of a person shall, upon conviction, be guilty of arson in the first degree, which is a felony, and shall be punished by a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00) and by imprisonment in the custody of the Department of Corrections for not more than thirty-five (35) years.

### **Title 21. Crimes and Punishments, Chapter 56 – Arson, Section 1402 - Arson in the Second Degree - Punishment**

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Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance or while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any uninhabited or unoccupied building or structure or contents thereof, whether the property of himself or another, shall be guilty of arson in the second degree, which is a felony, and upon conviction thereof shall be punished by a fine not to exceed Twenty Thousand Dollars (\$20,000.00) or be confined in the State Penitentiary for not more than twenty-five (25) years or both.

### **Title 21. Crimes and Punishments, Chapter 56 – Arson, Section 1403 - Arson in the Third Degree - Punishment**

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A. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning of any property whatsoever, including automobiles, trucks, trailers, motorcycles, boats, standing farm crops, pasture lands, forest lands, or any other property not herein specifically named, such property being worth not less than Fifty Dollars (\$50.00), whether the property of himself or another, shall be guilty of arson in the third degree, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00) or be confined in the State Penitentiary for not more than fifteen (15) years.

B. Any person who willfully and maliciously, and with intent to injure or defraud the insurer, sets fire to or burns or by use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels, or procures the burning or destruction of any building, property, or other chattels, whether the property of himself or another, which shall at the time be insured against loss or damage by fire or explosion, shall be guilty of arson in the third degree, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or be confined in the State Penitentiary for not more than fifteen (15) years or both.

**Title 21. Crimes and Punishments, Chapter 56 – Arson, Section 1404 - Arson in the Fourth Degree - Punishment**

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A. Any person who willfully and maliciously attempts to set fire to or burn or attempts by use of any explosive device or substance to destroy in whole or in part, or causes to be burned or destroyed, or attempts to counsel or procure the burning or destruction of any building or property mentioned in Sections 1401, 1402 or 1403 of this title shall be guilty of arson in the fourth degree, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) or be confined in the State Penitentiary for not more than ten (10) years or both.

B. The placing or distributing of any flammable, explosive or combustible material or substance or any device in any building or property mentioned in Sections 1401, 1402 or 1403 of this title, in an arrangement or preparation with intent to eventually willfully and maliciously set fire to or burn or to procure the setting fire to or burning of same, shall for the purposes of this section constitute an attempt to burn such building or property, and shall be guilty of arson in the fourth degree, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or be confined in the State Penitentiary for not more than ten (10) years, or both.

C. Arson in the fourth degree is a felony.

**Title 21. Crimes and Punishments, Chapter 56 – Arson, Section 1405 - Penalty for Endangering Life and Emergency Service Personnel During Violation**

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Any person violating any of the provisions of Sections 1401, 1402, 1403 or 1404 of this title who during such violation endangers any human life, including all emergency service personnel, shall be guilty of a felony upon conviction shall be punished by imprisonment in the State Penitentiary for not less than three (3) years nor more than ten (10) years, or by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both. If personal injury results, the person shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years.

**Title 21. Crimes and Punishments, Chapter 48 - Miscellaneous and General Provisions, Section 1217 - Firemen - Interference with Performance of Duties - Penalty**

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Any person or persons acting in concert with each other who knowingly and willfully interfere with, molest, or assault firemen in the performance of their duties, or who knowingly and willfully obstruct, interfere with or impede the progress of firemen to reach the destination of a fire, shall be deemed guilty of a felony and shall be punished therefor by imprisonment in the State Penitentiary for a term not exceeding ten (10) years nor less than two (2) years.