

ARTICLE 17
FIRE

Section

30-17-1. Improper handling of fire.

30-17-2. Use of an engine without spark arrester.

30-17-3. Repealed.

30-17-4. Repealed.

30-17-5. Arson and negligent arson.

30-17-6. Aggravated arson.

30-17-1. Improper handling of fire.

Improper handling of fire consists of:

- A. setting fire, or causing or procuring a fire to be set to any inflammable vegetation or forest material, growing or being on the lands of another person and without the permission of the owner thereof;
 - B. allowing fire to escape or spread from the control of the person having charge thereof without using reasonable and proper precaution to prevent such fire from escaping or spreading;
 - C. burning any inflammable vegetation or forest material, whether upon his own land or that of another person, without using proper and reasonable precaution at all times to prevent the escape of such fire;
 - D. leaving any campfire burning and unattended upon the lands of another person; or
 - E. causing a fire to be started in any inflammable vegetation or forest material, growing or being upon the lands of another person, by means of any lighted cigar, cigarette, match or other manner, and leaving such fire unquenched.
- Provided, nothing herein shall constitute improper handling of fire where the fire is a backfire set for the purpose of stopping the progress of a fire then actually burning.

Whoever commits improper handling of fire is guilty of a petty misdemeanor.

History: 1953 Comp., § 40A-17-1, enacted by Laws 1963, ch. 303, § 17-1.

30-17-2. Use of an engine without spark arrester.

Use of an engine without spark arrester consists of using or operating any locomotive, logging engine, portable engine, traction engine or stationary engine using any combustible fuel when such engine is not provided with an adequate spark arrester kept in constant use and repair.

Escape of fire or live sparks from any engine shall be prima facie evidence that such engine has not been adequately equipped with a spark arrester in compliance with this section.

Whoever commits use of an engine without spark arrester is guilty of a petty misdemeanor.

History: 1953 Comp., § 40A-17-2, enacted by Laws 1963, ch. 303, § 17-2.

30-17-3. Repealed.

30-17-4. Repealed.

30-17-5. Arson and negligent arson.

A. Arson consists of maliciously or willfully starting a fire or causing an explosion with the purpose of destroying or damaging any building, occupied structure or property of another, or bridge, utility line, fence or sign; or with the purpose of destroying or damaging any property, whether the person's own or another's, to collect insurance for such loss.

(1) Whoever commits arson when the value of the thing destroyed or damaged is one hundred dollars (\$100) or less is guilty of a misdemeanor.

(2) Whoever commits arson when the value of the thing destroyed or damaged is over one hundred dollars (\$100) but not more than one thousand dollars (\$1,000) is guilty of a fourth degree felony.

(3) Whoever commits arson when the value of the thing destroyed or damaged exceeds one thousand dollars (\$1,000) is guilty of a third degree felony.

B. Negligent arson consists of recklessly starting a fire or causing an explosion, whether on the person's property or another's, and thereby directly causing the death or bodily injury of another; or damaging or destroying a building or occupied structure of another.

Whoever commits negligent arson is guilty of a fourth degree felony.

C. As used in this section, "occupied structure" includes a boat, trailer, car, airplane, structure or place adapted for the transportation or storage of property or for overnight accommodations of persons or for carrying on business therein, whether or not a person is actually present.

History: 1953 Comp., § 40A-17-5, enacted by Laws 1970, ch. 39, § 1.

30-17-6. Aggravated arson.

Aggravated arson consists of the willful or malicious damaging by any explosive substance or the willful or malicious setting fire to any bridge, aircraft, watercraft, vehicle, pipeline, utility line, communication line or structure, railway structure, private or public building, dwelling or other structure, causing a person great bodily harm.

Whoever commits aggravated arson is guilty of a second degree felony.

History: 1953 Comp., § 40A-17-6, enacted by Laws 1963, ch. 303, § 17-6.