CHAPTER 31

Emergency Powers of Governor to Protect Forests

**SECTION 48‑31‑10.** Proclamation forbidding use of fire in forests or woodlands when conditions are abnormal; annulment of proclamation.

Whenever by reason of a drought, low humidity, high winds, and other conditions, the forests and woodlands in the State are in danger of fires, the Governor, upon recommendation of the State Forester, may in the interest of public safety and the preservation of natural resources, have authority by proclamation to forbid the use of fire therein. When the Governor is satisfied that the occasion has passed for maintaining the provisions of the proclamation he shall annul it by another proclamation.

HISTORY: 1962 Code Section 29‑41; 1955 (49) 178.

Library References

Environmental Law 44.

Fires 1.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 175, 411.

C.J.S. Fires Sections 1 to 4.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑31‑20.** Unlawful to start fires or throw burning materials in protected areas.

During such periods and in such areas as the Governor shall proclaim, it shall be unlawful for any person to build or ignite any fire of any nature, or for any person to throw or cause to be thrown any matches, ashes, tobacco or other burning material on or adjacent to forests, woodlands, brushlands, or grasslands under protection from forest fires. It shall be unlawful to burn or cause to be burned any right of way.

HISTORY: 1962 Code Section 29‑42; 1955 (49) 178.

Library References

Environmental Law 44.

Fires 1.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 175, 411.

C.J.S. Fires Sections 1 to 4.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑31‑30.** Exception for fires in municipalities and cultivated lands enclosed by firebreaks.

The provisions of this chapter shall not apply to fires which may be started within the corporate limits of any town or city, and to cultivated lands enclosed by firebreaks which will prevent the spread of fire to adjacent forests, woodlands, brushlands or grasslands.

HISTORY: 1962 Code Section 29‑43; 1955 (49) 178.

Library References

Environmental Law 44.

Fires 1.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 175, 411.

C.J.S. Fires Sections 1 to 4.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑31‑40.** Penalties.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty‑five dollars nor more than one hundred dollars, or imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 29‑44; 1955 (49) 178.

Library References

Environmental Law 740.

Fires 1.

Woods and Forests 11.

Westlaw Topic Nos. 149E, 175, 411.

C.J.S. Fires Sections 1 to 4.

C.J.S. Health and Environment Section 160.

C.J.S. Woods and Forests Sections 1, 6.