

Section 7002
(October 2002)

7002 Landowner and Operator Fire Responsibilities

**LANDOWNER AND OPERATOR
FIRE RESPONSIBILITIES**
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All persons or parties owning or controlling land have a basic responsibility to abate a fire nuisance on their property. The law says: *A person shall not willfully or knowingly allow fire to burn uncontrolled on land which he owns or controls, or to escape to the lands of any person other than that of the owner.* Professional fire departments have been developed because it is simply not practical to rely entirely upon individual landholders to adequately relieve the general community of excessive fire loss.

Nevertheless, the landowner or operator is expected to do what he/she reasonably can. The following procedures should be followed:

If the responsible State fire official observes, upon arriving at the fire scene, that any local industrial operator has failed to take fire control action, the officer should make a written notation of such observations for transmittal to his/her supervisor. Any such report must be a careful, factual account of the prevailing situation. The State fire official shall take over the direction of the control action on a wildfire upon his/her arrival whenever the fire is so located that it would normally be his/her primary responsibility.

Whenever the State fire official makes a judgment that forces or equipment, in addition to those of the State are required, he/she can make such a request for such aid from the local owner or operator. The State fire official should be very specific about the requested forces, under the assumption that reimbursement for such assistance may be claimed. As soon as practical appropriate resources shall be hired applying the state's hired equipment policy

No particular landowner may personally expect reimbursement for effort expended in the suppression of fires burning upon or immediately threatening his/her property.

The State officer may, if he/she has confidence in the operator or owner, transfer responsibility for patrol of a controlled fire line. But the State shall continue to maintain general supervision of such patrol.

Reference: [HB 7700 Emergency Incident Management-7761 Hiring Guides](#)

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