

## § 1-127.2. Unlawful burning during a no-burn day.

- A. 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 which the Osage Nation has jurisdiction where, because of emergency drought conditions, the Wildland Fire Department of the Osage Nation has proclaimed that there is an extraordinary danger from fire, unless it can be established that the setting of a 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.
- B. The Wildland Fire Department shall determine when the lands described in subsection [\(A\)](#) of this section because of emergency drought conditions are in extraordinary danger from fire.
- C. Any proclamation promulgated by the Wildland Fire Department under authority of this section shall be effective immediately. Notice of the proclamation shall occur through posting on the Osage Nation's website and informing local news media. Evidence of publication or posting as herein provided shall be maintained by the Wildland Fire Department.
- D. 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.
- E. Unlawful burning during a no-burn day shall be punishable by imprisonment in the Tribal Jail for a term not more than three months, or a civil penalty of not more than One Thousand Dollars (\$1,000.00) for the first offense, nor more than Three Thousand Dollars (\$3,000.00) for each subsequent offense, or both. Further, any violation of this section shall be subject to damages in an amount equal to and not exceeding the cost of reimbursing all responders. ONCA 16-78, eff. Sept. 29, 2016.

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**The Osage Nation Code is current through Act 23-15, passed January 19, 2023.**

Disclaimer: The Legislative Office has the official version of the Osage Nation Code. Users should contact the Legislative Counsel for laws passed subsequent to the law cited above.

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