

STANLEY COUNTY
ORDINANCE NO. 2016-01

AN ORDINANCE FOR THE REGULATION OF FIRE HAZARDS IN STANLEY COUNTY.

BE IT ORDAINED by the Board of Stanley County commissioners that the following restrictions in regard to open burning be imposed:

SECTION 1:

Stanley County Commission may impose a ban to prohibit or restrict open burning in order to protect the public health and safety pursuant to South Dakota Codified Law 7-8-20(18).

Section 2:

Open burning defined. For purposes of this ordinance, open burning means the intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any of such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance. Fireworks which produce sparks are specifically included in the definition of open burning.

Section 3:

In the interest of public health and safety no person shall conduct open burning outside the municipality in Stanley County when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the VERY HIGH or EXTREME category or has issued a RED FLAG WARNING for any portion of Stanley County. The prohibition against open burning shall automatically be suspended during any period the South Dakota Grassland Fire Danger Index falls below the VERY HIGH, category, or the RED FLAG WARNING has been rescinded or cancelled by the National Weather Service.

Section 4:

Other than when deemed necessary by fire officials for the preservation of life and/or property, exemptions may not be granted during the conditions identified in Section 3.

Section 5:

Stanley County Ordinance 2002-7 remains in effect regarding notifications for controlled burns. That ordinance requires that Pierre Police Dispatch be notified before any controlled burn in the County and also when that burn is completed.

Section 6:

Violations of this ordinance shall be subject to penalties pursuant to SDCL 7-18A-2; and an action of civil injunctive relief, pursuant to South Dakota Codified Law 21-8.

Section 7:

All ordinance or parts thereof in conflict herewith are hereby repealed.

Adopted this 5th day of July, 2016.

First reading: 06/07/2016

Public Hearing: 07/05/2016

Adoption: 07/05/2016

Published:

Dana Iversen, Chairman
Stanley County Commission

ATTEST:

Philena Edwards, Auditor
Stanley County, South Dakota