

Ordinance no.: _____

AN ORDINANCE REGULATING OPEN BURNING IN DOUGLAS COUNTY

WHEREAS, the Commissioners of Douglas County are charge with protecting the health and safety of the citizens of Douglas County, including all property situate therein; and

WHEREAS, South Dakota Codified Law (SDCL) § 7-8-20(18) authorizes the Douglas County Commission to prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

WHEREAS, the Emergency Manager of Douglas County has consulted with local fire officials and law enforcement officials concerning the threat of wildfire from open burning under certain climatic conditions; and

WHEREAS, the Commissioners of Douglas County have determined that in the interest of public health and safety, it is prudent to prohibit open burning (open fire) when climatic conditions indicate the threat of wildfire in Douglas County; and

WHEREAS, the Commissioners of Douglas County, pursuant to SDCL § 7-18A-8, hereby deem it necessary for the immediate preservation of the public health and safety to adopt the restrictions set forth in this Ordinance, and it is the intent of the Douglas County Board of Commissioners that the provisions of this Ordinance shall take effect immediately upon passage by the Board.

NOW, THEREFORE, BE IT ORDAINED BY THE DOUGLAS COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION I. DEFINITIONS:

Open Fire: -Means any outdoor fire, including a campfire, that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney. Open Fire shall not include Charcoal Grills, Liquid Fuel Grills, Outdoor Fireplaces, Incinerators, or Branding Iron Burners, as defined herein.

Charcoal Grill: Means a metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.

Liquid Fuel Grill: Means a metal or stone device designed to cook food using liquefied or gaseous combustible fuel.

Burn Barrel: Means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal. Burn Barrels

must have a metal grate covering at any time when being used. Burn Barrels must be located in a safety zone devoid of all combustible materials 15 feet in radius from the center of the Burn Barrel.

Incinerator: an incinerator consists of a furnace into which the refuse is charged and ignited (usually by a gas burner), a secondary chamber in which burning the refuse at a high temperature is continued to complete the combustion process, and flues to convey the gases to a chimney. Modern incinerators include air pollution control equipment (e.g., fabric filters, scrubbers, electrostatic precipitators) to remove fly ash and gaseous contaminants. Tall chimney stacks serve to discharge the cleaned flue gases at heights that increase dilution and dispersion rates, further reducing air pollution.

Outdoor Fireplace: Means a manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, including a screen, chimney, or other device placed above the fuel area, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually attended.

Branding Iron Burner: A stove, furnace, or device used to heat irons for the purpose of branding livestock, heated by wood, liquid fuel or other means and constructed so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape in the open atmosphere.

Campground: Means any campground operated by private individuals, Douglas County or the State of South Dakota.

Fire Operations: Means any operations or training held by fire professionals or certified departments.

Burn Ban Board: A board consisting of the Douglas County Emergency Manager, the Armour Fire Chief, the Corsica Fire Chief, and the Delmont Fire Chief.

SECTION II. REGULATIONS:

Open Fire Ban: No person shall set any open fire in Douglas County, outside the boundaries of any municipality, when a majority of the Burn Ban Board has voted to institute an open fire ban (a/k/a “burn ban”) in Douglas County. The prohibition against Open Fire as provided herein shall remain in effect until a majority of the Burn Ban Board shall vote to lift the open fire ban in Douglas County.

Burn Barrels: No person may ignite a fire in a burn barrel when the Burn Ban Board has declared an open fire prohibition in Douglas County.

Fire Operations: • Fire Operations by trained fire professional are excluded.

SECTION III. PENALTY:

The penalty for each violation of this ordinance shall be a fine of \$500.00 or 30 days in jail or both.

Any violator of this ordinance is subject to the suppression costs of extinguishing the fire.

Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.

The permissibility of the ignition of any fire as specified herein shall not operate to relieve the igniter of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire.

Adopted this ____ day of _____, 2025 by the: DOUGLAS COUNTY COMMISSION

Chairperson of the Board
Douglas County Commission

ATTEST:
County Auditor

Passed and adopted by the Douglas County Commissioners, Douglas County, South Dakota on the first reading on the ____ day of _____, 2025, by the following vote:

Ayes:
Nays:
Absent:

Passed and adopted by the Douglas County Commissioners, Douglas County, South Dakota on the second reading on the ____ day of _____, 2025, by the following vote:

Ayes:
Nays:
Absent:

Date of Publication _____

Attest:

Signed: