

NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN THAT: The Board of County Commissioners, in and for the County of Spink in the City of Redfield, South Dakota, on the 16th day of November, 2021, revised the following Ordinance, the revisions will become effective December 14, 2021.

TITLE 16 – Fire Danger Emergency Declaration

BE IT ORDAINED by the Board of County Commissioners of Spink County that Title 16 of the Revised Ordinances of Spink County is hereby amended, with additions being underlined, and deletions with a strikethrough:

Chapter 16 Fire Danger Emergency Declaration

16.0101 General Purpose. This ordinance is declared to be necessary for the immediate preservation of the public safety in accordance with the provisions of SDCL 7-18A-15.

16.0102 Jurisdictional Powers. Be it ordained by Spink County, that when weather or other conditions shall exist which may make the open burning of any substance unduly hazardous and a danger to public safety, the Spink County Board of Commissioners may by resolution declare a “Fire Danger Emergency”.

16.0103 Jurisdictional Area. Be it further ordained by Spink County, that if a “Fire Danger Emergency” be declared, all open burning of any substance shall be prohibited within Spink County until such time as the resolution declaring the “Fire Danger Emergency” shall have been rescinded by appropriate action of the Spink County Board of Commissioners.

16.0104 Criminal Offense. Be it further ordained by Spink County, that any person who shall create, commit, maintain, or permit to be created, committed or maintained an open burning in violation of a resolution declaring a “Fire Danger Emergency” shall be deemed to have committed a public nuisance and subject to a Two Hundred Dollar (\$200.) Fine and/or thirty (30) days in the County jail or any and all civil penalties provided for under South Dakota Law.

16.0105 Definition. “Open Burning” the burning of any substance, whether natural or manmade, or the 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 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 resolution.

16.0106 Special Permit. A special permit may be granted to allow open burning during a fire danger emergency upon application to the Spink County ~~Sheriff~~ Emergency Manager. The following criteria are to be used by the Spink County Emergency Manager ~~Spink County Sheriff~~ in determining whether to grant a permit to open burn during the fire danger emergency.

1. Whether adequate protections have been provided for to ensure that the open burning can be conducted in a safe manner.
2. Whether the current weather conditions or weather forecast indicate that it is likely that the fire danger emergency will end.
3. Whether the application for open burning constitutes a danger to another individual’s property.
4. Whether the need for the open burning outweighs the benefit to the public.
5. Whether the applicant is willing to undertake financial responsibility for the provision of public resources in the event that the open burning causes a fire which needs to be extinguished by a fire department.
6. With the approval of the local Fire Chief.

Upon approval by the local Fire Chief, the Spink County Emergency Manager shall file a copy of the permit with the Spink County Sheriff’s Office.

16.0107

Replacement of Former Ordinance. Be it further ordained by Spink County, that this ordinance replace all former ordinances by Spink County regarding Fire Danger Emergencies.

Dated this 16th day of November, 2021.

Dave Albrecht, Chairman

Spink County Board of Commissioners

ATTEST:

Theresa Hodges, Auditor

Spink County, South Dakota

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