

# LAWRENCE COUNTY ORDINANCE NO. 1201

**WHEREAS**, the Commissioners of Lawrence County are charged with protecting the health and safety of the citizens of Lawrence County, including all property situated therein; and

**WHEREAS**, South Dakota Codified Law (SDCL) § 7-8-20(18) authorizes the Lawrence 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/Fire Coordinator for Lawrence 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 Lawrence County have determined that in the interest of the public health and safety, it is prudent to prohibit open burning (open fire) when climatic conditions indicate the threat of wildfire in Lawrence County; and

**WHEREAS**, the Commissioners of Lawrence 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 Lawrence 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 LAWRENCE COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**

## SECTION I. DEFINITIONS:

- A. **Open Fire:** Means any outdoor fire, including a campfire and a burn barrel. Open Fire shall not include charcoal grills, Outdoor Fireplaces, liquid fuel grills, or branding iron burners as defined herein.
- B. **Charcoal Grill:** Means a metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes.
- C. **Liquid Fuel Grill:** Means a metal or stone device designed to cook food using gaseous combustible fuel.
- D. **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.
- E. **Outdoor Fireplace:** Means a manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, constructed to include a screen, chimney or other device placed above the fuel area so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the open atmosphere. An Outdoor Fireplace may be fueled by cut or split wood or liquid fuel and must be located Not Closer than 15 feet to any combustible surface and Continually Attended.

- F. **Branding Iron Burner:** Means a stove, furnace or device constructed of non-combustible materials used to heat irons for the purpose of branding livestock, fueled by cut or split wood, or liquid fuel and constructed so that the heat source is contained in such a manner that sparks or embers are not allowed to freely escape into the open atmosphere and located Not Closer than 15 feet to any combustible surface and Continually Attended.
- G. **Campground:** Means any commercial campground that is permitted by Lawrence County, the State of South Dakota, or the United States Forest Service that is operated by said agency, or private individuals or corporations.

## SECTION II. REGULATIONS:

### A. **Open Fire:**

1. No person shall set an open fire in Lawrence County, North of the Interstate 90 Highway and outside the boundaries of any municipality, when the National Weather Service has declared the Grassland Fire Danger Index to be in the **HIGH, VERY HIGH** or **EXTREME** category in Lawrence County. Use of an open fire is allowed only when the Grassland Fire Index falls in the **MODERATE** category or below.
2. The prohibition against Open Fire in that part of Lawrence County North of the Interstate 90 Highway, as provided herein, shall automatically be suspended during any time period the Grassland Fire Danger Index falls below the **HIGH** category in Lawrence County (All areas South of the Interstate 90 Highway and outside the boundaries of any municipality in Lawrence County are part of the Black Hills Fire Protection District and are regulated by either the State of South Dakota, or the United States Forest Service).

### B. **Burn Barrels:**

1. Special Regulation: No person shall set a fire in a burn barrel North of the Interstate 90 Highway within the boundaries of Lawrence County and outside the boundaries of any municipality when the National Weather Service has declared the Grasslands Fire Index to be in the **HIGH, VERY HIGH** or **EXTREME** category in Lawrence County. Use of burn barrels is allowed only when the Grassland Fire Index falls in the MODERATE category or below.

### C. **Campgrounds:**

1. The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any commercial, city, state or federal campground that is permitted by Lawrence County, the State of South Dakota or the United States Forest Service unless otherwise specifically banned by a resolution of the Lawrence County Board of Commissioners.

SECTION III. PENALTY:

- A. Any violator of this ordinance is subject to the suppression costs of extinguishing a fire.
- B. Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.
- C. 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 12 th day of June, 2012 by the

LAWRENCE COUNTY COMMISSION:



Robert E. Ewing, Chairman



ATTEST:



Connie Atkinson, Auditor

First Reading:	<u>5-22-2012</u>
Second Reading:	<u>6-12-2012</u>
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