

MEADE COUNTY ORDINANCE NO. 27
AN ORDINANCE REGULATING FIREWORKS, CAMPFIRES, AND OTHER
INCENDIARY DEVICES

I. OPEN BURNING.

a. Definitions.

- i. **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.
- ii. **Open Fire** means any outdoor fire, including campfires, 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 or Liquid Fuel Grills. Open Fire shall not include burn barrels as defined herein.
- iii. **Charcoal Grill** shall mean a metal or stone device with the fire box not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.
- iv. **Liquid Fuel Grill** shall mean a metal or stone device designed to cook food using liquefied or gaseous combustible fuel

b. Regulations.

- i. No person shall set any Open Fire:
 1. Between the dates of July 28 and August 18 of any year; or
 2. When the National Weather Service has declared the Grassland Fire Danger to be Very High or Extreme; or
 3. At any time the Board of Commissioners for Meade County shall otherwise declare by Resolution.
- ii. Special Regulations for Burn Barrels:
 1. No person may ignite a fire in a Burn Barrel when the National Weather Service has declared the Grassland Fire Danger to be Extreme;
 2. Burn Barrels must have a metal grate covering at any time when being used.

3. Burn Barrels must have a safety zone devoid of all combustible materials 15 feet in radius from the center of the Burn Barrel.

II. FIREWORKS.

a. Definitions. Fireworks means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, sparklers other than those specified below, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

The term “fireworks” shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

b. Regulations.

- i. No person may ignite any fireworks when the National Weather Service has declared the Grassland Fire Danger to be Very High or Extreme.
- ii. No person may ignite any fireworks Between the dates of July 28 and August 18 of any year.
- iii. However, the prohibition contained in Section b.i hereinabove shall not apply to any pyrotechnic professional igniting fireworks in conjunction with a valid fireworks display which complies with NFPA 1123 and SDCL §34-37-13 and is approved by the County Commission.

III. PENALTY.

- a. The penalty for violation of this ordinance shall be a fine up to \$200.00 or 30 days in jail or both.

- 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 or firework as specified herein shall not operate to relieve the ignitor of the duty of care otherwise imposed; nor shall this ordinance operate to absolve any person of any liability for damages which may occur as a result of the fire.

Dated this ____ day of _____ 2005.

MEADE COUNTY
BOARD OF COMMISSIONERS

Robert Mallow, Chairman

ATTEST

Lisa Shieffer, Auditor

SEAL

First Reading: April 5, 2005
Second Reading: May 3, 2005
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