

## Butte County Ordinance to Regulate Open Burning

An Ordinance Regulating Open Burning, and Other Fire Hazards, in Butte County. Be it ordained by Butte County, that pursuant to SDCL 7-8-20 (18), the Butte County Commission does hereby impose a Permit Requirement for open burning, and fire hazards, effective March 24, 2015.

### PURPOSE

The purpose of this Ordinance is to reduce the threat of fire to the health and safety of the citizens and property of Butte County.

### PROVISIONS

1. The permit-required activities shall include open burning, and/or any other activity which could reasonably be calculated to lead to the ignition and/or spread of uncontrolled fire in Butte County.
2. The area to which the above permit requirement applies shall include all areas of Butte County, excepting all State or Federal lands, and Incorporated Municipalities.
3. Requests for Open Burning Permits shall be approved or denied on a case-by-case basis. The merits, identified hazards, and the expected fire-weather conditions surrounding the time and location of the proposed burn, shall be the criteria for the approval or denial of requests.
4. Open Burn Permits have no monetary value, and are not limited in number. Permits may not be sold, bartered, or transferred. No obligation of any kind shall be incurred by the Grantee; nor shall the Grantor benefit by approving or denying a Request for Open Burning.
5. Authorized burns shall not be left unattended for any period of time.

### EXCEPTIONS

1. Fires will be allowed in designated fire pits/places. A fire pit/place is defined as a ring of metal, stone, earth, or other non-flammable material, of adequate height and construction to safely contain the fire, with a maximum diameter of six (6) feet. The ring must be located far enough from combustible materials to prevent them from igniting. Users are encouraged to place a metal mesh-type cover over the ring, to prevent the escape of burning embers. Fires contained in such a manner are not considered "open", and are therefore not regulated by this ordinance.
2. Fireworks: Pursuant to SDCL 34-37-16.1, the lawful discharge of fireworks is not regulated by this Ordinance, during the period between June 27, and extending through the end of the first Sunday after July 4; and during the period beginning December 28, and extending through January 1. This exception may be revoked pursuant to SDCL, and the discharge of fireworks regulated or prohibited by a special Butte County Resolution, should the fire danger indicate such action necessary, provided any required qualifications set forth in SDCL are met.
3. For other planned burns, permit-approval must be obtained from the Fire Department servicing the area where the intended fire will be located before the open burning will be allowed. Fire Department Approval may be requested by contacting the Butte County Dispatch Center, at (605) 892-2737, and may also require a Fire Department Official to be contacted.

### PENALTIES

1. Any person who violates any provision of this Ordinance or any amendment thereto, or who fails to perform any act required hereunder, may be charged with a crime, and upon conviction thereof, may be punished by a fine of not more than \$500, or imprisonment for not more than thirty (30) days, or both.
2. Any person who violates this Ordinance may be subject to civil lawsuit(s) brought by Butte County for any remedy authorized by South Dakota Codified Laws.

FIRST READING: 2/03/2015  
SECOND READING: 2/17/2015  
VOTE: YES Yes 5 No 0  
PUBLICATION DATE: 3/04/2015  
EFFECTIVE DATE: 3/24/2015

**THIS ORDINANCE WILL BECOME EFFECTIVE ON THE 20<sup>th</sup> DAY AFTER COMPLETED PUBLICATION**

SIGN: /s/: Cal Geis  
Cal Geis, Butte County Commission Chair

ATTEST: /s/: Elaine Jensen  
Elaine Jensen, Butte County Auditor

Respectfully Submitted: Elaine Jensen Butte County Auditor

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