

FIRE HAZARDS ORDINANCE 2021-11

WALWORTH COUNTY
ORDINANCE NO. 2021-11

AN ORDINANCE FOR THE REGULATION OF FIRE HAZARDS IN WALWORTH
COUNTY.

BE IT ORDAINED by the Board of Walworth County commissioners that the following restrictions in regard to open burning be imposed:

SECTION 1:

Walworth County Commission may impose a ban to prohibit or restrict open burning in order to protect the public health and safety pursuant to South Dakota Codified Law 7-8-20(18).

SECTION 2;

Open burning defined. For purposes of this ordinance, open burning means the intentional burning of any substance, whether natural or manmade, or the intentional casing 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 of 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 ordinance. Fireworks which produce sparks are specifically included in the definition of open burning.

SECTION 3:

In the interest of public health and safety no person shall conduct open burning outside the municipalities in Walworth County when the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the HIGH, VERY HIGH, or EXTREME category or has issued a RED FLAG WARNING for any portion of Walworth County. The prohibition against open burning shall automatically be suspended during any period the South Dakota Grassland Fire Danger Index falls below the HIGH, category, or the RED FLAG WARNING has been rescinded or cancelled by the National Weather Service.

SECTION 4:

Other than when deemed necessary by fire officials for the preservation of life and/or property, exemptions may not be granted during the conditions identified in Section 3.

SECTION 5:

This ordinance requires that the Mobridge Police Dispatch Center shall be notified before an open burn is conducted in Walworth County, specifying the date, time and place of the open burn. The Mobridge Police Dispatch Center shall also be notified when the open burn is completed.

SECTION 6:

Violations of this ordinance shall be subject to penalties pursuant to SDCL 7-18A-2; specifying a fine not to exceed five hundred dollars for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment; and an action of civil injunctive relief, pursuant to South Dakota Codified Law 21-8.


All ordinances or parts thereof in conflict herewith are hereby repealed.

Adopted this 23rd day of June, 2021.

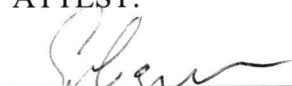
First reading: 5/18/2021

Public Hearing: 6/3/2021

Adoptions: 6/23/2021


James Houck, Chairman
Walworth County Commission

ATTEST:


Eva Cagnones, Auditor
Walworth County, South Dakota