

ORDINANCE #2014-02

AN ORDINANCE AMENDING ORDINANCE #00-01

An Ordinance Authorizing the Clay County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning Within the County

BE IT ORDAINED BY CLAY COUNTY, that the Commissioners of Clay County are charged with protecting the health and safety of the citizens of Clay County, including all property situated herein; and

By South Dakota Codified Law 7-8-20(18) the Clay County Board of Commissioners authorizes the Clay County Office of Emergency Management to enact the Declaration of a Fire Danger Emergency and to Prohibit Open Burning Within the County or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

Subject to separate action by the Clay County Board of Commissioners, said declaration of fire danger emergency and prohibition or restriction of open burning within the county will be enforced immediately and autonomously when the National Weather Service places the area in a Grassland Fire Danger Index Red Flag status, meaning that wildfire and dangerous fire hazards exist.

“Open burning” shall be defined as any outdoor fire, including but not limited to the prescribed burning of fence rows, fields, wildlands, trash, and debris, the intentional burning of any substance, whether natural or manmade, or the intentional 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. This also excludes fires contained within liquid-fueled or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at private residences, and permanent fire pits or fire grates located on supervised developed picnic grounds and campgrounds.

Section I. Definitions:

- A. Open Fire: Any outdoor fire, including a campfire, 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 with spark arresters. Open fire shall not include charcoal grills, liquid fuel grills, outdoor fireplaces, burn barrels, as defined herein.
- B. Charcoal Grill: A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.
- C. Liquid Fuel Grill: A metal or stone device designed to cook food using liquefied or gaseous combustible fuel.
- D. Burn Barrel: A metal container used to hold combustible or flammable waste materials so that they can be ignited for the purpose of disposal. Burn barrels must have a metal grate; metal grate opening shall be no larger than 1/4" square covering at any time when in use. Burn barrels must be located in a safety zone, away from any or all combustible materials, of a 15 feet radius of the burn barrel.
- E. Outdoor Fireplaces: A manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three (3) feet, including a screen, (screen opening shall be no larger than