

Ordinance 06-01

AN ORDINANCE TO AUTHORIZE THE MINER COUNTY BOARD OF COMMISSIONERS TO DECLARE A FIRE DANGER EMERGENCY AND TO PROHIBIT OPEN BURNING WITHIN THE COUNTY

BE IT ORDAINED BY MINER COUNTY, that when weather or other conditions shall exist which may make the open burning of any substance unduly hazardous and a danger to public safety, the Miner County Board of Commissioners may by resolution declare a "Fire Danger Emergency", and

BE IT FURTHER ORDAINED BY MINER COUNTY, that if a "Fire Danger Emergency" be declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Miner County until such time as the resolution declaring the "Fire Danger Emergency" shall have been rescinded by appropriate action of the Miner County Board of Commissioners; and

BE IT FURTHER ORDAINED BY MINER COUNTY, that any person who shall create, commit, maintain or permit to be created, committed or maintained an open burning in violation of a resolution declaring a "Fire Danger Emergency" shall be deemed to have committed a public nuisance in violation and subject to all criminal and civil penalties provided for therein. Any person that maintains, commits, or fails to abate a public nuisance as required under the provisions of this ordinance shall be subject to a maximum penalty of thirty (30) days in jail, a \$200 fine, or both. Each and every day that the violation continues may constitute a separate offence.

Section 1. DEFINITION:

“Open burning” 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. 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.

THIS ORDINANCE is declared to be necessary for the immediate preservation of the public safety in accordance with the provision of SDCL 7-18A-8.

Voting aye: Maroney, Thompson, Jacobson, Durant, and Schulz. Voting nay: none. Ordinance approved this 18th day of July, 2006.

Rollin D. Schulz, Chairman
Miner County Board of Commissioners

Attest: Susan R. Connor, Miner County Auditor