

Notice of adoption #UCC 2025-001
Union County Ordinance #UCC 2003-02
Fire Danger Emergency Amended and Adopted April 15, 2025
UCC 2003-02 Section 3 Fire Danger Emergency.

ORDINANCE #UCC 2003-02 Section 3 Fire Danger Emergency

An Ordinance Authorizing the Union County Board of Commissioners to Declare a Fire Danger Emergency and to Prohibit Open Burning within Union County.

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

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

Subject to separate action by the Union County Board of Commissioners, said declaration of fire danger emergency and prohibition or restriction of open burning within Union County will be enforced immediately and autonomously when the National Weather Service has issued a wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect.

"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 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:

1. 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
2. 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
 3. Liquid Fuel Grill: A metal or stone device designed to cook food using liquefied or gaseous combustible
 4. Burn Barrel: A metal container used to hold combustible or flammable waste materials so that they can be ignited for the purpose of 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 in a safety zone, away from any or all combustible materials, of a 15 feet radius of the burn barrel.
 5. 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 1/4" square), chimney or other device placed above the fuel area, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually
 6. Campground: Any permitted commercial campground operated by private individuals or corporations, State of South Dakota, Union County, or the United States National Park.

Section II. Regulations:

1. Open Fire: No person shall set any open fire in Union County, outside the boundaries of any Municipality, when the National Weather Service has issued a **wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect**, or when the Union County Emergency Management Office, through the Union County Emergency Manager after consultation with local fire and law enforcement officials, initiates a "No Open Burning Ban" by providing notice via social media and local news outlets that no person shall set any open fire.
2. Burn Barrels: No person may ignite a fire in a burn barrel when the National Weather Service has issued a **wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect**, or when the Union County Emergency Management Office, through the Union County Emergency Manager after consultation with local fire and law enforcement officials, initiates a "No Open Burning Ban" by providing notice via social media and local news outlets that no person shall set any open fire.
3. Campgrounds: The ban on open burning (open fire) does not apply to those designated areas falling within the boundaries of any permitted commercial, state, county or federal campgrounds unless otherwise specifically banned by resolution of the Union County Board of Commissioners.
4. No person shall start an Open Burning without first notifying the Union County Sheriff's Office Communications Center at 605-356-2679 and provide the burner's name, address, phone number, type of material to be burned and location of the burn.
5. Open Burning must be under supervision while in progress.

Subject to separate action by the Union County Board of Commissioners, said declaration of fire danger emergency and prohibition or restriction of open burning within Union County will remain in place only until the area is no longer in a wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning status according to the National Weather Service. ; and the notice of such shall be with local media outlets, posted on the Union County website, and also Emergency Management social media sites.

The maximum penalty for violation of this ordinance shall be as follows: thirty days imprisonment in county jail or five hundred dollars fine, or both according to South Dakota Codified Law 22-6-2(2) or its progeny. In accordance with South Dakota Codified Law 7-18A-2, the costs for suppressing any fire, including response fees, mutual aid assistance from other agencies or fire departments, reimbursement to governments for suppression efforts, and compensation to the firefighters for time lost from their employment, shall be born directly by the individual or individuals responsible for setting the fire in violation of this ordinance.

This Ordinance is necessary to protect and immediately preserve the public peace, health, or safety and is therefore immediately effective following second reading pursuant to SDCL 7-18A-8. This Ordinance shall be enforceable no sooner than 17th day of April 2025. Upon this Ordinance taking effect, the prior version of this ordinance shall be revoked.

Passed and adopted this 15th day of April 2025.

Attest:

Kevin Joffer, Chairperson

Auditor

Notice of Hearing: March 20, 2025

1st Reading: March 18, 2025

2nd Reading: April 1, 2025

Adopted: April 15, 2025

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