

It was moved by Waldera and seconded by
FOX that the following ordinance be adopted:

HANSON COUNTY
ORDINANCE NO. 46

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

BE IT ORDAINED by the Hanson County Board of Commissioners that these restrictions regarding open burning are imposed.

1. Hanson County does prohibit and restrict open burning under the conditions set forth herein.
2. No person shall conduct open burning outside of a municipality in Hanson County while the National Weather Service has declared the South Dakota Grassland Fire Danger Index to be in the "Very High" or "Extreme" category, or has issued a "Red Flag Warning" for any portion of Hanson County.
3. Any ban imposed under Section 2 above will be automatically suspended when the South Dakota Grasslands Fire Danger Index falls below the "Very High" category or the "Red Flag Warning" has been rescinded by the Nations Weather Service.
4. Exceptions: It is not considered "Open Burning" if:
 - [a] A fire is maintained in any interior fireplace, stove or furnace;

[b] Burning materials are kept in a container sufficient to prohibit the escape of the burning substance, or any sparks, flames or hot ashes therefrom;

JUSTIFICATION OF ORDINANCE:

[a] Hanson County has the authority to restrict open burning pursuant to SDCL 7-8-20(18);

[b] It is in the interest of public health and safety to have open burning within the county prohibited or limited during the time when certain fire conditions exist;

5. Notification of the Hanson County's office or Mitchell Regional 911 center (911 dispatch) is required before a controlled burn is conducted.

6. Violations of this Ordinance are deemed to be a public nuisance in addition the potential criminal penalties listed.

7. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed as they apply to this Ordinance.

8. Penalty. Penalty for each violation of this ordinance shall be that as specified under Hanson County Ordinance #44 or any amendment thereto. This constitutes what is commonly considered to be a class 2 misdemeanor under South Dakota law, with a fine of up to \$2,000.00 or 30 days in jail, or punishable by both such fine and imprisonment.

9. Definition of terms:

[a] Open burning is the intentional burning of any substance, natural or manmade, and the intentional casting off of any burning substance whether natural or manmade.

[b] The use of fireworks is deemed to be open burning.

[c] The escape of any burning substance or of any sparks, flames or hot ashes from any fire container is deemed open burning and constitutes a presumption that the container was insufficient to meet the exception from the definition of open burning.

[d] A controlled burn is any fire deliberately set for the purpose of cleaning or clearing property which is kept under constant supervision and has had adequate protection measures taken for the situation.

10. This Ordinance shall become effective immediately upon the passage at a second reading.

Dated April 20, 2021.

Gary Schoenrock
Gary Schoenrock, Chairman
Hanson County Commission

ATTEST: Lisa Trabing
Lisa Trabing
Hanson County Auditor



First reading: April 6, 2021

Second reading: April 20, 2021.

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