

**YANKTON COUNTY RESOLUTION
TO PROVIDE FOR EMERGENCY REGULATION OF OPEN BURNING AND DANGEROUS
FIRE HAZARDS IN YANKTON COUNTY**

WHEREAS, the Commissioners of Yankton County are charged with the protecting the health and safety of the citizens of Yankton County, including all property situated therein; and

WHEREAS, South Dakota Codified Law (SDCL) 7-8-20(18) allows the Yankton County Commission, to prohibit or restrict open burning within Yankton County, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety; and

WHEREAS, conditions of wildfire and dangerous fire hazards affecting public health and safety have existed in Yankton County; and

WHEREAS, the Yankton County Emergency Management Office is able to respond and monitor conditions of wildfire and dangerous fire hazards in a significantly more expedient process than the Yankton County Commissioners are able to accomplish; and,

WHEREAS, the Yankton County Commissioners hereby deem it necessary, for immediate preservation of public health and safety of Yankton County, to adopt this resolution and allow the Yankton County Emergency Management office to enforce or restrict open burning and monitor conditions of wildfire and dangerous fire hazards within Yankton County; and

WHEREAS, the Yankton County Emergency Management Office shall consult with local fire officials and law enforcement officials concerning the treat of wildfire from open burning under certain climatic conditions that become dangerous to life and property and upon recommendation of said consultation the Yankton County Emergency manager shall be authorized to prohibit or restrict open burning; and,

WHEREAS, it is the intent of the Yankton County commissioners, that the provisions of this resolution shall take effect immediately upon the passage by the board: and

NOW, THEREFORE, BE IT ORDAINED BY THE YANKTON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION I. DEFINITIONS:

- A. **Open Fire:** Means 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 does not include fires contained within liquid-fired or gas-fueled stoves, fireplaces within all buildings, charcoal grill fires at privates residents, and permanent fire pits or fire grates located on supervised developed picnic grounds and Charcoal Grills, Liquid Fuel Grills, Outdoor Fireplaces, and Campgrounds as defined herein.

1. **Charcoal Grill:** Means 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.
 2. **Liquid Fuel Grill:** Means a metal or stone device designed to cook food using liquefied of gaseous combustible fuel
 3. **Outdoor Fireplaces:** Means 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 attended.
 4. **Campground:** Means any permitted commercial campground operated by private individuals or corporations, State of South Dakota, or the United States National Park Service unless otherwise specifically banned by resolution of the Yankton County Board of Commissioners.
- B. **Burn Barrel:** Means 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 being used. Burn Barrels must be located in a safety zone away from any or all combustible materials 15 feet radius of the Burn Barrel.

SECTION II: REGULATIONS:

NOW, THEREFORE, BE IT RESOLVED, that no person shall set any Open Fire or ignite a fire in a Burn Barrel in Yankton County, outside the boundaries of any Municipality, When the National Weather Service has declared the Grassland Fire Index to be in the Very High or Extreme Category or when the Yankton County Emergency Management Office, through the Yankton County Emergency Manager after consultation with local fire and law enforcement officials initiate a "No Open Burning Ban" by providing notice in a legal newspaper that no person shall set any Open Fire or igniting a fire in a Burn Barrel in Yankton County, outside the boundaries of any municipality; and,

BE IT FURTHER RESOLVED that the No Open Burning Ban shall remain in effect until the Yankton County Emergency Management Office provides notice in a legal newspaper that the No Open Burning Ban has been removed; and

BE IT FURTHER RESOLVED that a fine not to exceed five hundred dollars (\$500) for each violation, or by imprisonment for a period not to exceed thirty days for each violation, or by both the fine and imprisonment, if found in violation of this Resolution, as per South Dakota Codified Law 7-18A-2, and that 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, be born directly by the individual or individuals responsible for setting the fire.

Dated this 7th day of April, 2015.

Todd Woods/s/ - Chairman
Yankton County Commission

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ATTEST

Patty Hojem/s/
Patty Hojem, Auditor
Dated: 4-7-2015