

RESOLUTION NO. 3-2022

MELLETTTE COUNTY

A RESOLUTION FOR THE REGULATION OF FIRE HAZARDS IN MELLETTE COUNTY.

WHEREAS Mellette County Commission may impose a ban to prohibit or restrict open burning in order to protect the public health and safety pursuant to South Dakota Codified Law 7-8-20(18). Be it determined by the Board of Mellette County commissioners that the following restrictions in regard to open burning be imposed:

WHEREAS open burning defined. For purposes of this ordinance, open burning means 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 of 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. Fireworks which produce sparks are specifically included in the definition of open burning.

NOW THEREFORE IT BE RESOLVED, that in the interest of public health and safety no person shall conduct open burning in Mellette County when 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 Mellette County. The prohibition against open burning shall automatically be suspended during any period the South Dakota Grassland Fire Danger Index falls below the VERY HIGH, category, or the RED FLAG WARNING has been rescinded or cancelled by the National Weather Service.

BE IT FURTHER RESOLVED other than when deemed necessary by fire officials for the preservation of life and/or property, exemptions may not be granted during these conditions

BE IT FURTHER RESOLVED Mellette County Resolution 3-2022 remains in effect regarding notifications for controlled burns. That resolution requires that Mellette County Sheriff be notified before any controlled burn in the County and also when that burn is completed.

BE IT FURTHER RESOLVED violations of this resolution shall be subject to penalties pursuant to SDCL 7-18A-2; and an action of civil injunctive relief, pursuant to South Dakota Codified Law 21-8.

Vote of the Mellette County Commission

AYE 3 NAY 0

Dated this 19<sup>th</sup> day of April, 2022 at White River, South Dakota.



Casey Krogman, Chairman





Jenny Galbraith, Auditor